MONTANA LEGISLATIVE HISTORY

Chapter 643 19 87

Bill H 277 S _____ Original bill & history ____C

H. Committee on Local Government			S. Committee on Judiciary		
Hearing Date(s)	Jan 23	✓ C	Hearing Date(s)	Mar 12	✓ C
	Jan 30	✓ C		_____	____C
	_____	____C		_____	____C
	_____	____C		_____	____C
Date Out	Jan 30	✓ C		Mar 12	✓ C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

Note: Conference and Free Conference Committees were appointed, but their minutes were not recorded.

HB 274 INTRODUCED BY ASAY, ET AL.
LOWERING COAL SEVERANCE TAX RATES

1/19 INTRODUCED
1/19 REFERRED TO TAXATION
1/19 FISCAL NOTE REQUESTED
1/26 FISCAL NOTE RECEIVED
1/28 HEARING
2/13 TABLED IN COMMITTEE

HB 275 INTRODUCED BY RAPP-SVRCEK, ET AL.
APPROPRIATION FOR AGRICULTURAL LOAN LINKED DEPOSIT PROGRAM
BY REQUEST OF JOINT INTERIM SUBCOMMITTEE ON AGRICULTURAL PROBLEMS

1/19 INTRODUCED
1/19 REFERRED TO APPROPRIATIONS
1/29 HEARING
3/27 COMMITTEE REPORT--BILL PASSED AS AMENDED
3/31 2ND READING PASSED 69 2
4/01 3RD READING PASSED 89 6

TRANSMITTED TO SENATE
4/03 REFERRED TO AGRICULTURE, LIVESTOCK & IRRIGATION
4/06 HEARING
4/07 COMMITTEE REPORT--BILL CONCURRED AS AMENDED
4/08 2ND READING CONCURRED 47 3
4/09 3RD READING CONCURRED 44 6

RETURNED TO HOUSE WITH AMENDMENTS
4/13 2ND READING AMENDMENTS CONCURRED 91 6
4/14 3RD READING AMENDMENTS CONCURRED 92 7
4/17 SIGNED BY SPEAKER
4/20 SIGNED BY PRESIDENT

4/20 TRANSMITTED TO GOVERNOR
4/23 SIGNED BY GOVERNOR

HB 276 INTRODUCED BY EUDAILY, ET AL.
CLARIFY TERMINATION PAY IN TEACHERS' RETIREMENT ACT
BY REQUEST OF TEACHERS' RETIREMENT BOARD

1/19 INTRODUCED
1/19 REFERRED TO STATE ADMINISTRATION
FAILED TO MEET TRANSMITTAL DEADLINE

HB 277 INTRODUCED BY CONNELLY, ET AL.
IMPOSING A DRIVER'S LICENSE REINSTATEMENT FEE TO FUND COUNTY DUI PROGRAMS

1/19 INTRODUCED
1/19 REFERRED TO LOCAL GOVERNMENT
1/19 FISCAL NOTE REQUESTED
1/20 FISCAL NOTE RECEIVED
1/23 HEARING
1/30 COMMITTEE REPORT--BILL PASSED AS AMENDED
2/02 2ND READING PASSED 56 41
2/02 REREFERRED TO APPROPRIATIONS
2/18 HEARING
2/18 COMMITTEE REPORT--BILL PASSED AS AMENDED
STATEMENT OF INTENT ADOPTED
2/20 2ND READING PASSED 69 29

2/21	3RD READING PASSED	68	23
	TRANSMITTED TO SENATE		
2/23	REFERRED TO JUDICIARY		
3/10	REVISED FISCAL NOTE REQUESTED		
3/13	REVISED FISCAL NOTE RECEIVED		
3/17	HEARING		
3/18	COMMITTEE REPORT--BILL CONCURRED AS AMENDED		
3/21	2ND READING CONCURRED	41	0
3/24	3RD READING CONCURRED	43	6
	RETURNED TO HOUSE WITH AMENDMENTS		
3/26	2ND READING AMENDMENTS NOT CONCURRED	53	41
3/26	CONFERENCE COMMITTEE APPOINTED		
4/09	CONFERENCE COMMITTEE REPORT		
4/11	2ND READING CONFERENCE COMMITTEE REPORT REJECTED	49	38
4/11	CONFERENCE COMMITTEE DISSOLVED		
	SENATE		
3/27	CONFERENCE COMMITTEE APPOINTED		
4/10	CONFERENCE COMMITTEE REPORT		
4/11	2ND READING CONFERENCE COMMITTEE REPORT ADOPTED	34	0
4/13	3RD READING CONFERENCE COMMITTEE REPORT ADOPTED	49	1
4/16	CONFERENCE COMMITTEE DISSOLVED		
	HOUSE		
4/11	FREE CONFERENCE COMMITTEE APPOINTED		
4/17	FREE CONFERENCE COMMITTEE REPORT NO. 2		
4/20	2ND READING FREE CONFERENCE COMMITTEE REPORT NO. 2 ADOPTED	62	33
4/21	3RD READING FREE CONFERENCE COMMITTEE REPORT NO. 2 ADOPTED	70	29
	SENATE		
4/16	FREE CONFERENCE COMMITTEE APPOINTED		
4/17	FREE CONFERENCE COMMITTEE REPORT NO. 2		
4/20	2ND READING FREE CONFERENCE COMMITTEE REPORT NO. 2 ADOPTED	49	0
4/21	3RD READING FREE CONFERENCE COMMITTEE REPORT NO. 2 ADOPTED	49	0
4/23	SIGNED BY SPEAKER		
4/24	SIGNED BY PRESIDENT		
4/24	TRANSMITTED TO GOVERNOR		
5/11	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 643 EFFECTIVE DATE: 7/01/87		

HB 278 INTRODUCED BY GRADY, ET AL.
VEHICLE LIABILITY--PROCESS CANCELLED POLICY PRO RATA BASIS; RETURN UNEARNED PREMIUMS
BY REQUEST OF STATE AUDITOR

1/19	INTRODUCED		
1/19	REFERRED TO BUSINESS & LABOR		
1/28	HEARING		
1/28	COMMITTEE REPORT--BILL PASSED		
1/30	2ND READING PASSED	95	2
1/31	3RD READING PASSED	92	1
	TRANSMITTED TO SENATE		

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB277, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:
An act authorizing counties to establish drinking and driving prevention programs, and providing for funding with a driver's license reinstatement fee.

ASSUMPTIONS:
1. Assume 9,600 suspension and revocations exist under current law.
2. Assume 63% will pay reinstatement fee (22% out-of-state no pays and 15% in-state no pays).
3. Workload would require two FTE (clerk-typist, Gr 6, St 2; Accounting Tech, Gr 9, St 2; plus 18% employee benefits and operating expense, plus equipment).
4. Assume all revenue to be disbursed to qualifying counties.
5. Assume spending authority will be appropriated to the Department of Justice.

FISCAL IMPACT:

	FY88			FY89		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
Expenditures: (12 months FY88-FY89)						
Personal Services	$ 0	$ 31,130	$ 31,130	$ 0	$ 31,130	$ 31,130
Operating Expenses	0	2,400	2,400	0	400	400
Equipment		900	900		0	0
TOTAL	$ 0	$ 34,430	$ 34,430	$ 0	$ 31,530	$ 31,530
Funding:						
General Fund		$ 34,430	$ 34,430		$ 31,530	$ 31,530
Local Government Pass Through	$ 0	$226,800	$ 226,800	$ 0	$302,400	$ 302,400
Revenue: (9 months FY88)						
Fees (12 months FY89)	$ 0	$226,800	$ 226,800	$ 0	$302,400	$ 302,400

TECHNICAL OR MECHANICAL DEFECTS OR CONFLICTS WITH EXISTING LEGISLATION:
Section 2, part (2). The fund should read the Special Revenue Fund category, not the proprietary fund.

David L. Hunter DATE 1/24/87
DAVID L. HUNTER, BUDGET DIRECTOR
Office of Budget and Program Planning

M. E. Connelly DATE 1/26/87
MARY ELLEN CONNELLY, PRIMARY SPONSOR

Fiscal Note for HB277, as introduced.

HB-277

of the people petition to get in then would the same 51 percent have to petition to get out?

Rep. Ream answered yes.

Rep. Kitselman wanted clarification as to what the established district is and if a small four block area of a district could say they are a district and get a 51 percent vote to get out.

Rep. Ream said within the five years, it would have to be the same area drawn on the map to petition to get out.

Rep. Kitselman had the same concern as Mr. Donaghy of small sections achieving the 51 percent needed to petition out of a district and doing so.

Rep. Ream stated the problem was with the many outlying areas; an example being Bonner and Milltown which are a long way from Missoula. If MUTD decided to discontinue service, these people would be paying for MUTD for the rest of their lives even though they are not within five miles of service.

Rep. Ream passed out a summary sheet which listed some arguments that could be used in opposition to the bill (Exhibit 3). In closing he stated if an urban transportation district is fulfilling the need then the taxpayers will not have this incentive to get out. He felt they would have a difficult time in achieving the 51 percent to get out with the safety measures in the bill. Rep. Ream felt the inequity has to be taken care of one way or another.

CONSIDERATION OF HB 277: Rep. Mary Ann Connelly, House District 8, sponsor of HB 277, stated the bill started with the federal FUI Task Force Program. The county commissioners started the program in 1981 in 18 counties. At the present time there are 23 task forces. They are required to document problems in their particular counties and determine needs such as education or enforcement. Rep. Connelly said a lot of the problems are addressed by volunteer groups without any problems at all. Some counties had the basic program already in place and used federal money for education and enforcement portions of the program. She stated that what they are asking is that there be a $50 reinstatement fee on drivers' licenses if someone is convicted of a DUI and their license revoked.

In order to get reinstated persons would have to pay the $50 fee in addition to any other fines there might be. In this way each task force could be funded on the local level for each of the various counties that participate in the program. Any fines in counties that do not have a program would be put into a state fund to be distributed to those counties that do have a program.

Rep. Connelly stated their feeling was that because of the task forces, the DUI's are less a problem than in the past. There were 9 per 1,000 DUI arrests and convictions last year which is down quite proportionately from 1985.

PROPONENTS: Al Goke, Administrator for the Highway Traffic Safety Division, spoke in support of HB 277. He stated he had been involved with the task force since its inception. He gave the history involved with the DUI task forces since passage of legislation in the 1983 session.

Mr. Goke stated principally DUI related problems are community based problems but that isn't to say they are not state government responsibility. The problems do, however, reside locally and the answers will come locally.

Mr. Goke presented a handout to the committee (Exhibit 4). He stated the handout basically outlines some success that can be contributed to task force efforts across the state. He thought it more than coincidence that alcohol related traffic accidents have decreased to the degree they have since the initiation of task forces in Montana.

Mr. Goke said his division's duties were to administer the programs already in place. The principal effect to any state budget would arise in the Motor Vehicle Division. He said it is felt when dealing with the reinstatement fee on suspended or revoked licenses that the proper place to have the clerical work (to type the fee, keep record of the county, etc., and to deposit within the state treasury) should come to that area. Mr. Goke presumed his division would make the disbursements to the county that have approved plans. He said he saw no significant difficulty in doing that.

Mr. Goke felt strongly that the federal money was not intended to be used to supplant local funds but to be used for new activities. He stated his intention and hoped the committee's intention if they recommended the bill would

be that the funds be disallowed to supplant local funds.

The following persons testified in support of HB 277 and also presented written testimony attached to these minutes as numbered exhibits: Doris Fisher, Gallatin County Task Force Coordinator and representative of MAD (Exhibit 5); Ann Mary Dussault, Missoula County Commissioner (Exhibit 6); Wilbur Visser, Gallatin County Commissioner (Exhibit 7); Ellen Leahy, Administrator of DUI Program in Missoula (Exhibit 8). Ms. Leahy presented written testimony for Jeanette Buchanan, Chairman of the Missoula Task Force (Exhibit 9); Jeff Hainline, President Missoula Tavern Owners (Exhibit 10); Bob Lovegrove, Missoula City Mayor (Exhibit 11); Lorena Hillis, Missoula County MAD Treasurer (Exhibit 12); Michael Wood, Missoula Task Force Member (Exhibit 13); Glen Henkel, Tool and Easter, Inc. (Exhibit 14); Warren Guffin, Missoula Physician (Exhibit 15). Gary Keeler, Program Manager for Butte-Silver Bow DUI Task Force and Bill McDonald, Missoula City/County Board of Health testified in support of the bill. Susan DeBree, Facilitator for the Health DUI Program in Helena presented a poster made for the Last Chance Stampede Fair which showed the variety of people who are active and have contributed personally and as businesses to the task force program in this area.

Robert McCarthy, Butte-Silver Bow County Attorney and representative of the DUI Task Force, was in support of the bill and presented written testimony (Exhibit 16). Mr. McCarthy had a question as to whether or not another section should be included on page 2, line 22. He felt Section 61-8-722 which refers to a person's license being revoked for being convicted of driving under the influence should also be included.

Clay Gregory, Missoula Police Department and active member of the DUI Task Force testified in support of HB 277. He presented written testimony from Mark Hamilton, Chief of Police Missoula (Exhibit 17). Rayleen Beaton, Helena City Commissioner, testified and brought from the Helena City Mayor and the other commissioners to Do Pass HB 277. Written testimony was presented from William Ware, Chief of Police Helena Police Department (Exhibit 18); and from John Albrecht, Attorney at Law from Choteau (Exhibit 19). At the request of the Chairman, other proponents present stood up in support of the bill.

OPPONENTS: None.

DISCUSSION (OR QUESTIONS) ON HOUSE BILL 277: Rep. Gould asked Mr. Goke what the charge is for the DUI school in Missoula.

Mr. Goke responded he would have to answer on an average because of a rule set by the state. Fees are from $50 to $125 depending on local situation.

Rep. Gould asked what percentage of people arrested for drunk driving have to go to the school?

Mr. Goke responded by law all offenders whether it be for their first, second or third offense have to attend the school.

Rep. Brown stated under statutes 61-5-205 and 61-5-206 there are a variety of cases that have nothing to do with DUI or alcohol-related accidents but are cases under Montana law where licenses may be revoked. He asked if it was the intent to include all those areas where that money has nothing to do with alcohol-related accidents to be assessed the $50 fine?

Rep. Connelly stated at first it was thought it should be only for a DUI but more of these other things do relate to reckless driving or careless driving so it was felt a good idea to include in the bill.

Rep. Sales asked if it was correct that there are 23 counties that have task forces and there is no enabling legislation at this time on the statutes?

Mr. Goke responded there is no state law which addresses DUI task forces or any mention of that process. He felt DUI task forces should go on the statutes because it took an action by County Commissioners across Montana to establish DUI task forces with no more authority than the authority they now have.

Rep. Sales asked then what is being looked at is purely a revenue source?

Rep. Connelly replied yes, the program is strictly voluntary. Each county can locally establish their own task force through the county commissioners.

Rep. Sales asked what is optional or voluntary about the fee?

Rep. Connelly responded that the program is optional.

Rep. Sales commented the the fee would be assessed regardless of whether the county has a task force or not.

Rep. Connelly replied yes.

In response to Rep. Bulger's comment that the fee is assessed even if there is not a task force in the county and the money goes to those that do have the program, Rep. Connelly replied it goes into a state fund and then gets portioned out across the state. All the task forces are voluntary and the money is used for education, enforcement, for chemical grants in the high schools, care programs in the high schools, television and newspaper ads; just general education programs. Also extra time for enforcement is funded by this money.

Rep. Bulger stated there are many similar, adequate programs and other governmental needs in each county. He was concerned with the money being raised in a county without the DUI task force program going to another county. He felt the money could be used in the county for other purposes and had a problem with it going to another that had the DUI program.

Rep. Connelly couldn't see how the problem with the DUI could even go away completely or to the point that the county commissioners would think the program was not needed. She stated the money still goes out on a statewide basis in the fact that it would be on television and in local newspaper ads. This would affect each county whether or not the county received any money there.

Rep. Grinde asked if there was any reason given by the counties as to why they did not want the program?

Mr. Goke responded that he had dealings with all county commissioners across the state. He had conducted several seasonal regional meetings that afforded the county commissioners the opportunity to come and discuss the DUI program. The biggest problem they had initially, was the disbursement of federal money. The portion of DUI-related accidents in the counties was taken in a statewide poll and a percentage was taken from this for disbursement of those funds. There were a number of counties that simply did not get much at all. Probably 12 counties out of the total would have received approximately $1,000. Many of the county commissioners simply chose to not make the

effort to get the $1,000. Mr. Goke stated they had two counties that tried to establish task forces but their plans were rejected by him and so they were not included in the program.

Rep. Darko asked if there were statistics for the number of license revocations under the statutes listed in the bill for the last year?

Mr. Goke responded that he does have very accurate data and there is a fiscal note that will be available. He said they are assuming about 9,600 suspensions and revocations that would be potentially allowable statewide. In checking with other states, Mr. Goke said they found a 37 percent no pay in North Dakota off of a similar law and the assumptions of revenue generation were based on 63 percent of $9,650. That in an average year would be slightly over $300,000.

Rep. Darko asked if there are 9,600 license revocations, are alot of these concentrated in the areas where there are DUI task forces? She said she was trying to get at the rational for assessing this $50 fee. If the money comes mostly from the areas where they are task forces then she could see the money going to those counties, otherwise she would have problems as well as other people on the committee on assessing this fee statewide when not everyone receives services.

Mr. Goke stated it would be true to say the majority of money will go to those areas that are creating a majority of the activity. That typically would be the way any formula could really work. He was sure the top six or seven counties will produce 50 percent of the activity.

Rep. Brown asked of the 9,600 suspensions and revocations of licenses, how many of those are DUI-related?

Mr. Goke responded in the average year there were 1,500 of some 10,000 actions taken that are not DUI-related.

Rep. Brown asked what the reason for the loss of federal funds was?

Mr. Goke responded when they qualified, it was technically a three-year incentive fund set up under federal law but they have secured the maximum benefit available under the law. That is why it is a total loss of funds.

Rep. Brandewie asked if Yellowstone County has a task force?

Mr. Goke responded yes.

Rep. Hoffman stated in the last two years alcohol-related accidents have decreased by about 50 percent and asked if there were figures as to how that percentage relates to counties with programs compared to those who do not have programs?

Mr. Goke responded yes that he actually calculated that 87 percent of the statewide deduction in those accidents occurred in the 23 counties.

Rep. Gilbert asked when talking about the $50 fee why not say in the bill that only those counties having programs will get the money back? He asked if this was some method of blackmail to induce those other counties into developing a program?

Mr. Goke stated that the $300,000 may sound like significant money, but if broken across the state county by county, it is not big money in any one county. His feelings were that there has to be a motivation and an interest to do something about the problems because certainly the money is not going to buy it.

Rep. Grinde asked who administers this program at a local level and who would take in the fees?

Mr. Goke said technically, as they envision the bill to work as it is drafted, the Department of Justice collects fees routinely, in the process of a revocation as an example. They would add the fee collection as a duty to the department. So the state would collect the money and put it in a proprietary account and distribute it back to the local government.

Rep. Grinde asked if anyone in the courthouses would have anything to do with administration of the program?

Mr. Goke said the only thing would be a state check would be made available to the county treasurer and she would have to place it in an account as the bill requires.

Rep. Grinde asked if the federal funds are gone, are the counties now participating in the program using the funds?

Mr. Goke replied yes. He said that since the counties wrote

three-year plans, many activities have changed and many activities have been picked up within the local government. The local government is in a position now where there is not much they can do. Mr. Goke stated that it was obvious that DUI arrests create some revenue. Fine convictions from city government go directly to city government.

Rep. Grinde asked if Fergus County is participating in this program?

Mr. Goke responded yes.

Rep. Connelly closed on HB 277.

CONSIDERATION OF HB 312: Rep. Hansen, House District 57, stated the bill was asking for staggered terms for members of the County Board of Adjustment. The staggered terms would allow for continuity and expertise.

PROPONENTS: Ann Mary Dussault, County Commissioner from Missoula, stood in support of HB 312. She presented a handout prepared by Howard Schwartz, Executive Officer Missoula County (Exhibit 20). She stated that all counties, cities or towns that have zoning through their jurisdiction have boards of adjustments. The boards are the first avenue that a citizen has to receive an adjustment or variance from zoning requirements. The board must issue findings of fact in making determinations. The next step is for citizens to go through the district courts. The board has significant legislative responsibilities.

Ms. Dussault stated the problem is it is the only board that does not have staggered terms. If all the board members choose to not reapply, the board would start a new term with a whole new group. She stated it was very important to have that expertise that staggered terms would allow.

OPPONENTS: None.

Rep. Hansen closed on HB 312.

DISPOSITION OF HOUSE HILL 159: Rep. Brandewie moved to DO PASS HB 159. He stated there were people present from the Department of Administration's Aeronautics Division to answer questions.

DEPARTMENT OF JUSTICE
HIGHWAY TRAFFIC SAFETY

TED SCHWINDEN, GOVERNOR

303 N. ROBERTS

STATE OF MONTANA

(406) 444-3412

HELENA, MONTANA 59620

HB 277

MONTANA ACCIDENT DATA INVOLVING ALCOHOL

ACTUAL ALCOHOL RELATED ACCIDENTS HAVE DECREASED 33% IN THE THREE YEARS WE HAVE HAD ACTIVE DUI TASK FORCES. (GRAPH 1)

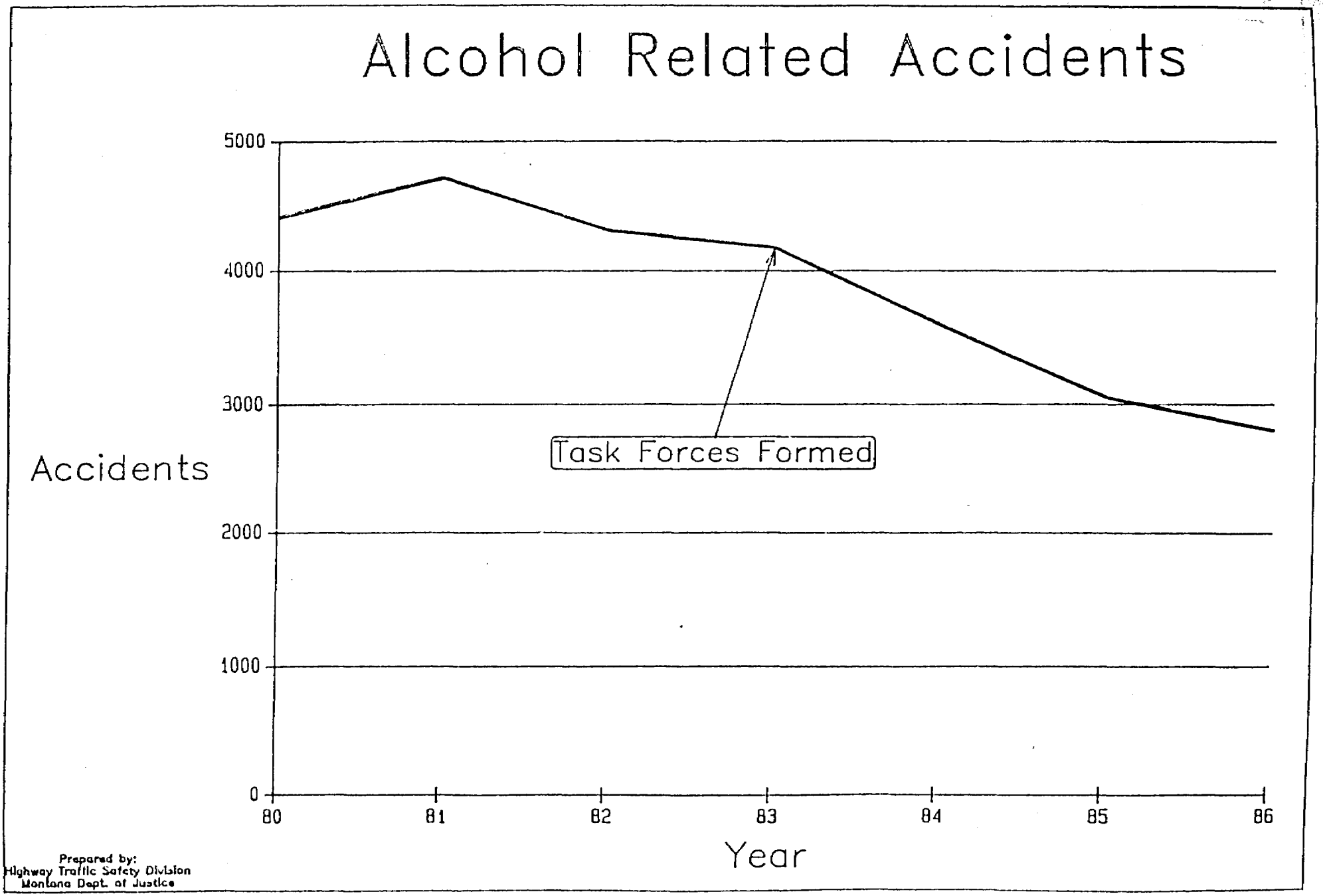
THE PERCENTAGE OF ALCOHOL RELATED ACCIDENTS TO TOTAL ACCIDENTS HAS DROPPED FROM 22.3% IN 1983 TO 17% IN 1986. (GRAPH 2)

THIS DATA EQUATES TO 1300 FEWER ALCOHOL RELATED ACCIDENTS, 800 FEWER INJURIES AND 50 FEWER FATALITIES IN 1986 THAN WE HAD ANTICIPATED IN 1983.

THOSE COUNTIES WITH DUI TASK FORCES GENERATED 87% OF THE DECREASE IN ALCOHOL INVOLVED ACCIDENTS.

AN EQUAL OPPORTUNITY EMPLOYER

GRAPH 1


Alcohol Related Accidents
5000
4000
3000
2000
1000
0
Accidents
Task Forces Formed
80
81
82
83
84
85
86
Year
Prepared by:
Highway Traffic Safety Division
Montana Dept. of Justice

GRAPH 2

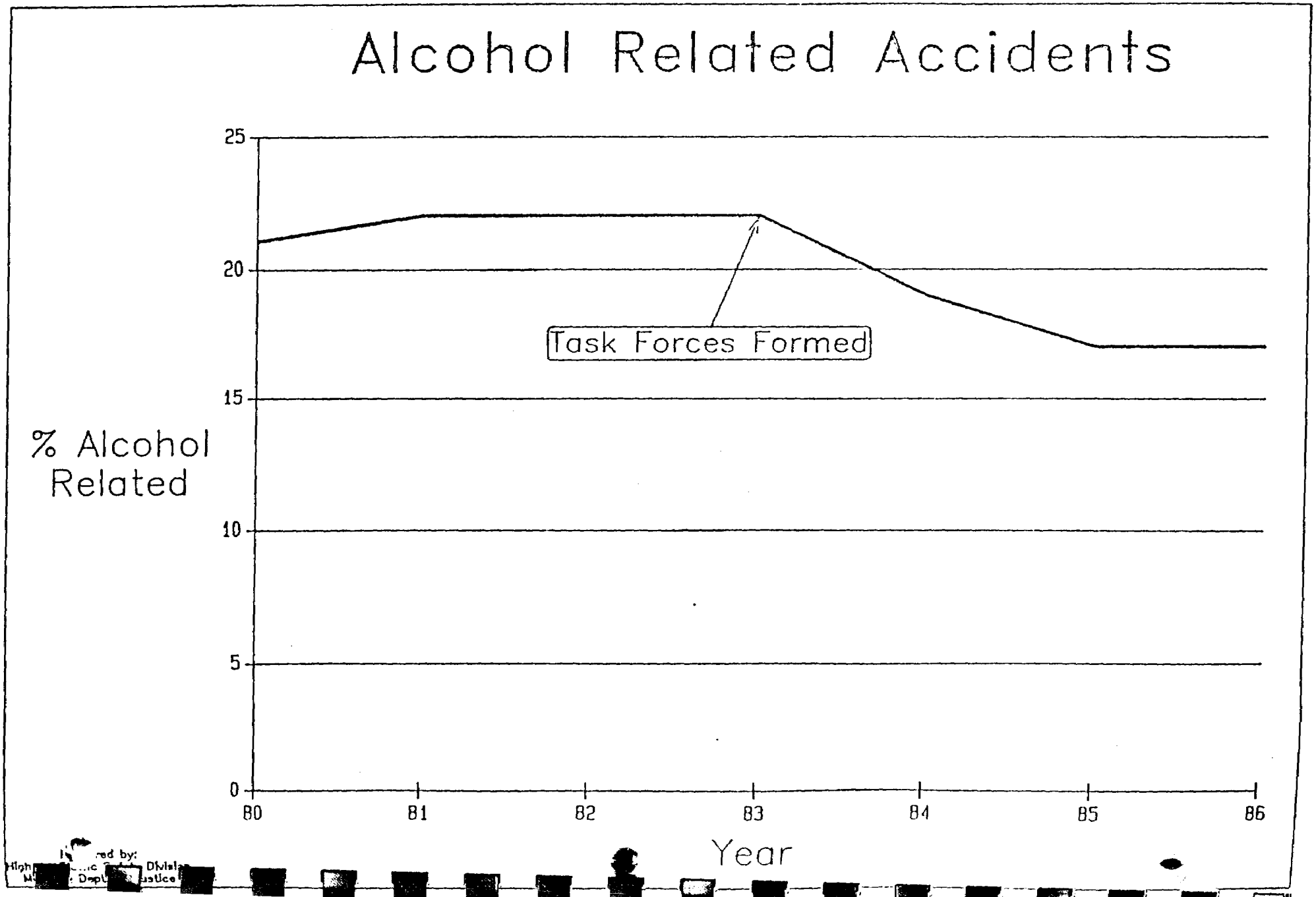

Alcohol Related Accidents
25
20
15
10
5
0
% Alcohol Related
Task Forces Formed
80
81
82
83
84
85
86
Year

EXHIBIT 5
DATE 1-23-87
HB 277

GALLATIN COUNTY
DUI TASK FORCE
AWARENESS • EDUCATION • ENFORCEMENT
615 SOUTH SIXTEENTH
BOZEMAN, MONTANA 59715
TELEPHONE (406) 585-1444

DORIS FISHER
COORDINATOR

1/23/87

LOCAL GOVERNMENT COMMITTEE
Re: HB 277

The problems of alcohol abuse are solved best at the local level. Behavior is seldom altered by TV Specials. They provide awareness which is needed.

The grass roots effect of peer pressure in local social organizations is working. The money has been wll spent on educational programs for teens, programs in the schools, education of local law enforcement and hand out materials.

The awareness of drunk driving has spread across the state like a massive forest fire but instead of devastation---we see only GOOD. People are talking to each other about alcohol abuse and help is available for the abuser and his family. In my town of Bozeman, college kids are confronting their peers with positive conversation such as: "Let's go out to have fun not to get smashed." Also, "Don't be dumb--take HOME FREE if you get blitzed."

The abuser is paying his own way with the DUI programs. When there are no more DUI offenders and they are get-ing fewer in my town--there will be no need for the DUI Task Force. But, until then, the Task Forces will be using the money according to very strict standards set down by the Department of Highway Traffic Safety.

In Bozeman, we had 2 FATAL ACCIDENTS in 1986 with a life loss of 4. There has not been such a low life loss since 1967. At that time the population was lower and the MSU enrollment was approximately 5,000. There are approximately 8 people walking around my town, paying taxes and making a contribution to Bozeman who would not be there if there was not: AWARENESS, EDUCATION AND ENFORCEMENT of this problem.

This problem has been so tough that the fix has not been quick but the life loss and injuries are down all over the state. The injuries caused by alcohol-related crashes is down by 500 in 1986 and there is an 86% drop in counties with Task Forces.

Why shouldn't the offender pay for the education that prevents pain and death? This is another way to help him understand that having a driver's license in Montana is a PRIVILEGE and carries with it an expensive responsibility.

This is a wonderful opportunity for the offender to do public service to his own community.

MISSOULA COUNTY

HB 277

BOARD OF COUNTY COMMISSIONERS

• Missoula County Courthouse • Missoula, Montana 59802
(406) 721-5700

BCC-87-044

January 22, 1987

Representative Norm Wallin, Chairman
Local Government Committee
House of Representatives
State Capital
Helena, MT 59620

Dear Representative Wallin:

I am writing in support of HB277 "AN ACT AUTHORIZING COUNTIES TO ESTABLISH DRINKING AND DRIVING PREVENTION PROGRAMS; AND PROVIDING FOR FUNDING WITH A DRIVER'S LICENSE REINSTATEMENT FEE." My support of HB277 is based on the following reasons:

1. As evidenced by the 21% reduction in alcohol-related accidents during the term of Missoula's Drinking and Driving Prevention Program, such activities at a local level are not only necessary but effective.

2. The funding mechanism proposed by HB277 generates revenue from the convicted Driving Under the Influence (DUI) offender, not the taxpayer. Nor does it attempt to earmark state liquor revenues, general fund or local revenues.

3. HB277 provides for a local option to initiate or continue drinking and driving prevention programs. As Federal funding for this purpose is greatly diminishing, many Montana communities may choose to benefit from HB277.

I strongly urge the members of the Local Government Committee to support HB277. Thank you for your consideration of this testimony.

Sincerely,

Ann Mary Dussault
Commissioner, Missoula County

#7 DATE 1-23-87
HB 277

State of Montana

County of Gallatin

Bozeman

January 23, 1987

Honorable Committee Members

Re: House Bill 277

Gallatin County wishes to go on record endorsing this bill. This D.U.I. program has been in operation in Gallatin County for ~~two~~ three years and has been very successful as a deterrent to keep drinking drivers off of the roads.

Drinking and driving do not mix and it is always the innocent that get hurt by the drinking driver.

This program is still in its infancy and must be continued. This method of funding as the above bill is proposing will certainly be an enhancement and will adequately fund it. To stop this D.U.I. Program now will mean two years of wasted effort on the part of a lot of people and will certainly defeat the public awareness that has been created by all this work. We urge you to pass this bill as presented.

Sincerely,

GALLATIN COUNTY COMMISSION

Wilbur Visser, Chairman

Jane Jelinski, Member

Ramon S. White, Member

WV:lm

NAME ELLEN LEAHY BILL NO. HB 277

ADDRESS 1003 SHERWOOD ST MISSOULA MT 59802 DATE 1-23-87

WHOM DO YOU REPRESENT? MISSOULA HEALTH DEPT.

SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

- HB 277 provides a funding mechanism for DUI prevention that generates revenue from the offender, not the taxpayer or general fund.
- HB 277 preserves local option
- Local DUI Task Forces are effective — 21% reduction of alcohol related accidents in Missoula County.

Testimony of other proponents attached.

Mr. Norm Wallin, Chairman
LOCAL GOVERNMENT COMMITTEE

FOR HB 277

Dear Mr. Wallin,

I am Jeannette S Buchanan-Tawney, chairman of the Missoula Task Force for the prevention of Driving Under the Influence.

I speak FOR HOUSE BILL #277.

I speak for the intent of having:

1. all programs established under this authorization approved according to the method and standards currently being used by the Governor's Department of Highway Safety.

2. all funds derived by this authorization distributed by the Department under 61-2-105 to the program where the funds originate, if the local has an approved program. All funds should be disributed as granted under the Department to established programs.

3. drivers of unsafe driving practices be responsible for helping to support programs to promote safe driving practices.

4. drivers of unsafe driving practices complete all of the imposed conditions before having the privilege of driving granted to them.

Thank you for your consideration.

Sincerely,

Jeannette S Buchanan-Tawney

Jeannetee S Buchanan-Tawney
Missoula DUI Task Force
301 West Alder
Missoula, MT 59802
tele. 721-5700, ext. 397

#10 DATE 1-25-87
HB 277

January 22, 1987

To: Norm Wallin, Chairman
Local Government Committee

Dear Mr. Chairman,

I am writing to you to indicate my endorsement of H.B. 277. As a member of the Missoula County D.U.I. Task Force, I firmly believe that the Task Force(s) can make a significant impact on traffic safety. It seems to me that it is very appropriate to have offenders pay a license renewal fee to fund the task force activities. H.B. 277 is a great opportunity to make people responsible for their actions as well as sending the message that Montana means business in dealing with D.U.I. offenders.

Thank you for your consideration.

Sincerely,

Jeff Hainline
Member: Missoula D.U.I. Task Force

JH:lk

EX. # 11 DATE 1-23-87
HB 277

MISSOULA

OFFICE OF THE MAYOR

201 W. SPRUCE • MISSOULA, MT 59802-4297 • (406) 721-4700

January 22, 1987

Representative Norm Wallin, Chairman
Local Government Committee
House of Representatives
State Capital
Helena, MT 59620

Dear Representative Wallin:

I am writing in support of HB277 "AN ACT AUTHORIZING COUNTIES TO ESTABLISH DRINKING AND DRIVING PREVENTION PROGRAMS; AND PROVIDING FOR FUNDING WITH A DRIVER'S LICENSE REINSTATEMENT FEE."

I am strongly convinced of the necessity and effectiveness of drinking and driving prevention activities at a local level; and I am in favor of the funding mechanism as provided by HB277.

During the three year term of Missoula's Drinking and Driving Prevention Program, we experienced a 21% reduction in alcohol-related traffic accidents. Passage of HB277 would allow these prevention efforts to continue in spite of the expected loss of Federal funds. Furthermore, it would generate and rely upon revenue from the convicted Driving Under the Influence (DUI) offender, rather than from the taxpayer.

In view of these reasons plus the fact that HB277 would provide for a local option, I strongly urge the members of the Local Government Committee to support this bill. Thank you for consideration of this testimony.

Sincerely,

Bob Lovegrove
Mayor, City of Missoula

AN EQUAL EMPLOYMENT OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER M / F / V / H

DATE

HB 277

January 22, 1987

TO: House Committee on Local Government
Chairman Norm Wallin

FROM: Missoula County MADD
Treasurer Lorena Hillis

RE: HB 277

Missoula County MADD supports HB 277 which would require that all DUI offenders and other unsafe driving offenders pay a fee to regain their driver's license after it's period of suspension, and using this money to establish a DUI prevention support fund.

1. This could be a tool that would enable alcohol counselors to insure that DUI offenders had completed their A.C.T. (Alchols Course and Treatment) requirements, thereby reducing their chances of being repeat offenders.

2. It would take the financial burden of changing the attitudes and behavior of drinking drivers off the taxpayer and place it directly upon the offenders.

3. DUI task forces have created many programs which give the drinking driver opportunities to changes his/her behavior, among them the Designated Driver program, Home Free, public service advertisements, and other educational programs. The funding to continue the development of more programs should be paid for by the people who need them, the DUI offenders.

4. It takes extra money to support the special DUI enforcement teams which are required to reduce the number of drinking drivers on our roads and get them into education and treatment programs. The DUI offenders should have to pay for these special efforts we have felt compelled to take.

Respectfully submitted,

Lorena Hillis

Lorena Hillis

#13 DATE 1-23-87
HB 277

Health Incentives

Containing Costs *and* Promoting Health

January 22, 1987

Local Government Committee
Montana House of Representatives
Capitol Building
Helena, Montana 59601

Dear Honorable Committee Members:

I am writing in support of HB277.

Local education efforts to prevent drunk driving in Montana have paid off handsomely. In Missoula County, arrests for DUI have increased dramatically and related accidents and fatalities have dropped as well as a result of the DUI Task Force established in 1983.

Though I know that government spending and efficiency are under heavy attack -- and in some cases rightfully so -- this "user-pays" funding of local education efforts to further combat DUI is a notably deserving, effective and appropriate expenditure.

As one of the founders of the State's first DUI Task Force, as a private businessman, taxpayer and father I strongly encourage your giving HB277 a unanimous "do pass". It will save lives, money and heartache for all.

Thank you for the opportunity to express my views.

Sincerely,

MICHAEL W. WOOD
General Partner

MWW:ljk

218 E. Front · Suite 209 · Missoula, MT 59802 (406) 721-7716

HB 277

TOOLE & EASTER, INC.
INSURANCE / BONDS
139 West Front Street • P.O. Box 3327
Missoula, Montana 59806 • (406) 728-2910

January 22, 1987

Norm Wallin
State House of Representatives
State Capital
Helena, MT

RE: HB 277

Dear Mr. Wallin:

The purpose of this letter is to urge your support for House Bill #277.

I think it is apparent to all, and backed up by statistics that the efforts of the D.U.I. Task Force have been effective in reducing the number of drinking drivers and the corresponding losses from injury and property damage resulting from accidents involving drinking drivers.

We would certainly like to see these efforts continued, and passage of this bill would be a step forward to effect that purpose.

Again, I would urge your support of this bill.

Very truly yours,

Glen R. Henkel

GRH/plm

cc: House Member Bud Gould
House Member Stella Jean Hanson
House Member Carolyn Squires

#15 DATE 1-23-87
HB 277

WESTERN MONTANA EMERGENCY PHYSICIANS

500 WEST BROADWAY — ST. PATRICK HOSPITAL — MISSOULA, MONTANA 59802 — 406 / 543-7271

DAVID BROOK, M.D.
MICHAEL GIRARD, M.D.
WARREN GUFFIN, M.D.
GEORGE SINELNIK, M.D.
DOUGLAS WEBBER, M.D.
JOSEPH WEYDT, M.D.

January 22, 1987

Local Government Committee
C/O Norman Wallin
Montana State Legislature
Capitol Building
Helena, MT 59601

Dear Mr. Wallin:

I am writing this letter as a representative of emergency physicians across Montana. It is in reference to House Bill 277, which the Local Government Committee is due to consider on 1/23/87.

As you know, this bill would set a $50 reinstatement fee for renewal of license for individuals convicted of DUI. It also provides for the use of the revenue of such monies to be used in the locality in which they are generated to help prevent DUI. My feeling as an emergency physician at St. Patrick Hospital in Missoula is that this would be an additional deterrent to driving under the influence in our state. Because of that and because of the importance that this holds for all of us in Montana, I feel that you and your committee should report this bill favorably and push for its passage in the general legislative session.

I would be happy to further elucidate the rationale for my opinion if you so desire. Please feel free to call or write if you desire.

Thank you for considering my request.

Sincerely,

Warren Guffin MD

W.H. Guffin, M.D., F.A.C.E.P.
President, Montana Chapter of American College of Emergency Physicians
Chairman, Department of Emergency Medicine
Medical Director, Life Flight

WHG/mb

cc DUI Task Force - Missoula County

EXHIBIT #16
DATE 1-23-87
HB 277

WITNESS STATEMENT

NAME Robert M. McCarthy BILL NO. HB 277

ADDRESS County Attorney's Office, Courthouse Bldg, Butte DATE 1/23/87

WHOM DO YOU REPRESENT? Butte-Silver Bow DUI Task Force

SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

The Butte-Silver Bow DUI Task Force supports the passage of HB 277, both to continue a most successful education and prevention program which has been developed over the past 3 years, and to provide a funding source for future years - In order to assure that all of the communities except Butte-Silver Bow will not have to fund the program. The program has funded education programs in elementary, Jr. High and Senior High Schools, community education and prevention and enforcement activities like

CS-34

EXHIBIT #17 DATE 1-23-87 HB 277

"TO PROTECT AND TO SERVE"

MISSOULA

CITY POLICE DEPARTMENT

201 W. SPRUCE • MISSOULA, MT 59802-4297 • (406) 721-4700

January 23, 1987

Honorable Norm Wallin
Montana State Representative
Chairman, Local Government Committee
Capitol Station
Helena, Montana 59620

Dear Representative Wallin:

House Bill #277, an act authorizing Counties to establish drinking and driving prevention programs and providing funding with a driver's license reinstatement fee is worth support from all public service sectors.

Our Department has co-operated and worked with the Montana Highway Traffic Safety Division and the Missoula City-County Health Department on a grant funded DUI Task Force which operated prior to January 1, 1987. The Task Force was responsible for a 21% reduction in alcohol related accidents in Missoula County. With out the Montana Highway Traffic Safety Grant, local governments would be hard pressed to allocate funding and manpower to duplicate the efforts of the DUI Task Force in public education and enforcement.

Providing funding for continuing the DUI Task Forces in the state is a positive statement in reducing the death and destruction created by the drinking driver. The reinstatement fee proposed would shift the burden for the cost of education and enforcement from the taxpayer to the drinking violator, while fostering co-operation between the many agencies and citizen groups involved in the DUI task forces.

Sincerely,

M. D. Hamilton
Chief of Police

Commissioners
Russell J. Ritter, Mayor
Rayleen Beaton
Michael J. DaSilva
Rose Leavitt
Blake J. Wordal

William J. Verwolf
City Manager

EX #18 HB 277

221 Breckenridge
Helena MT 59601
Phone 406/442-9920

Chief of Police
William J. Ware

January 22, 1987

Representative Norm Wallin, Chairman
Local Government Standing Committee
State Capital Building
Helena, MT

Dear Representative Wallin:

Please accept this letter as support for House Bill 277, sponsored by Representative Mary Ellen Connelly. This bill would authorize counties to establish drinking and driving prevention programs and would provide funding via a driver's license reinstatement fee. Due to another meeting, I am unable to attend your committee hearing. Please consider the following as my testimony.

DUI prevention, awareness, and much needed enforcement has been and will be a high priority throughout the City of Helena. In 1984 the Helena Police Department implemented a STOP-DUI Intervention Team which intensely enforced the drunk driving laws. This team was funded by the Montana Highway Traffic Safety Division through our local STOP-DUI Task Force. Unfortunately this funding has stopped as of December 31, 1986 and House Bill 277 could be an alternative to the funding of this most important project. (See attached STOP-DUI Intervention Team two year statistical report.)

On August 22, 1986 we implemented a Special Police Operations Team (SPOT) at the Helena Police Department. This program was the first of its kind in the state of Montana. The primary purpose of this program was to prevent the availability of liquor to our youth and to prosecute those furnishing liquor to underage persons. It was also the intent of this program to prevent drinking and driving by our young people as this is a major cause of serious accidents. (See attached SPOT statistical report 8/22-12/13/86.) Again, funding for this program was provided by our local STOP-DUI Task Force and funding is no longer being provided. SPOT's success cannot be measured in dollars and cents. I am proud to report that our youth did not suffer any serious injuries or deaths in traffic accidents an/or suicides during the life of the SPOT Program.

My professional opinion is that both of these programs have had a tremendous impact on traffic accidents in the City of Helena. Statistical information on this is available from my department upon request.

In closing, I would encourage this Committee to look favorably upon House Bill 277 and urge you to vote **DO PASS.** Thank you for your consideration in this matter, it is a pleasure to work with you in our common goal of reducing unnecessary injury and deaths caused by people who drink irresponsibly and then drive.

Sincerely,

William J. Ware
Chief of Police
Helena Police Department

LEGIS.LET/na

cc: All members of Local Government Standing Committee
William J. Verwolf - City Manager
M.E. Nelson, Chairman - STOP-DUI Task Force
Al Goke - Highway Traffic Safety Division

STOP-DUI INTERVENTION TEAM ANNUAL REPORT

YEAR 1986

TO: WILLIAM J. WARE - CHIEF OF POLICE

FROM: BUD CARBIS - CAPTAIN OF OPERATIONS BC

DATE: JANUARY 22,1987

Calls, Contacts and Stops	1598
Warnings Issued	959
Non-traffic Stops	77
Total Citations (including DUIs)	847

DUI ARREST INFORMATION

Intervention Team Arrests	117
Total DUI Arrests by HPD	341
Total DUI Arrests previous year	329
% of DUI Arrests to Contacts	7.33
RADD Calls with Arrests	11

GENERAL INFORMATION

Total Hours Worked	1242.55
Total Number of Shifts*	297
Average Shift Length*	4.19
Total Time Spent - DUI Arrests	195.97
Average Time Spent - DUI Arrests	1.68
Average Miles Per Shift*	37.72
Total Miles Traveled	11202

In addition to the above hours, a Processor worked 423.55 hours for a total of 103 shifts. He/She processed 110 DUI's over a period of 146.20 hours - an average of 1.33 hours per DUI arrest.

*The term SHIFT refers to one man working one night.

cc: Al Goke - Highway Traffic Safety
M.E. Nelson, Chairman - STOP-DUI Task Force
William J. Verwolf - City Manager
STOP-DUI Intervention Team File

APPROVED
CHIEF OF POLICE
HELENA POLICE DEPARTMENT

SPECIAL POLICE OPERATIONS TEAM MONTHLY REPORT
(SPOT) Implemented August 22, 1986

MONTH OF August 22,86 to December 13,86

TO: William J. Ware, Chief of Police

FROM: Bud Carbis, Captain of Operations
George Olson, Sgt. Training

DATE: December 26,1986

Calls, Contacts, & Stops		86
Juvenile Arrests		46
Adult Arrests		35
Total Arrests		81
Open Container	23	
Juvenile Possession	42	
UTWC	10	
PODD	2	
Other	18	
Total Charges		95

GENERAL INFORMATION

Total man hours worked	345.25
Total man shifts worked	78
Total days worked	26
Average length of shift	4.43
Average miles traveled per shift	51.39
Total miles traveled	1336*

City vehicle miles 590*

Rental vehicle miles 746*

cc: Al Goke, Highway Traffic Safety
H.E. Nelson, Chairman Stop DUI Task Force
William J. Verwolf, City Manager
Su DeBree, Health Department
SPOT file

APPROVED
12/24/86
CHIEF OF POLICE
HELENA POLICE DEPARTMENT

NOTE: December 13th 1986 was the last day SPOT was worked due to grant monies running out.....

John Albrecht
Attorney at Law

216 First Avenue Northwest
P.O. Box 193
Choteau, Montana 59422
Telephone: (406) 466-2621

HB 277

January 22, 1987

Mr. Norm Wallin, Chairman
Local Government Committee
Capitol Station
Helena, Montana 59620

RE: House Bill 277
Fee for Driver License Re-instatement to Pay for DUI Prevention Programs

Dear Mr. Wallin:

I am writing in support of the above bill. I believe that it will contribute to reducing injuries and property damage caused by drunk drivers.

I am a justice of the peace and city judge. Since 1983, I have worked with citizens in Choteau and Teton County to reduce drunk driving. These programs were education of drivers. Further, they involved educating the community about alcoholism and drug dependency. This was so that people knew and understood the problems of alcoholism and chemical dependency. Then, those citizens could recognize when close friends and family members possibly needed help. Their friends and family members could be referred to evaluation and, in some cases, treatment.

This program of education was funded through some public agencies and some private donations. I believe The public agencies included county government, city government and school districts. Private contributions were primarily from service clubs.

Since 1983, Teton County has had a 70% decrease in alcohol related traffic accidents. There have been no alcohol related traffic deaths for the three years of 1984, 1985, and 1986. That record is one of the best of any counties since records were started being kept, Highway Traffic Safety Division, Montana Department of Justice.

The above bill would finance similar local programs, I urge you to pass it.

Yours truly,

John Albrecht

cc: Rex Manuel
Gary Aklestad

Statement in Support of HB-312, which would provide for staggered terms for members of the County Board of Adjustment.

1. What is a County Board of Adjustment and what does it do?

The County Zoning Board of Adjustment is a five-member board appointed by the Board of County Commissioners pursuant to MCA 76-2-221 and 222 to 1) hear appeals from an administrative zoning decision or order; and 2) hear and decide special exceptions and variances from zoning ordinances (MCA 76-2-223).

2. What is the problem?

Under current law, all terms of the Board of Adjustment expire at the same time, so in cases where most of the members do not want to be reappointed, or, in the rare cases where changes are needed, counties may be left with only one or two hold-overs, and, of course, the theoretical possibility of no returning members. In those cases, there is a great loss of institutional memory, and a great lack of consistency from year to year. It is also harder for new members to learn their duties when they outnumber the old members.

3. How will HB-312 help?

Staggering terms, starting in 1988, will ensure continuity in the actions of the Board of Adjustment by making it much more likely that there will always be at least two or three hold-overs when new members are appointed.

4. Is this a major change?

This should not be considered to be a major change since almost all other County boards have staggered terms. The City Boards of Adjustment (MCA-76-2-322) also consist of five members to be appointed for a term specified by the City or Town Council. Most cities, like the City of Missoula, have chosen to stagger their terms. What HB-312 would do would be to mandate for County Boards of Adjustment what is a common practice on City Boards of Adjustment and on other County Boards. If the Legislature feels that such a mandate is inappropriate, then this bill could be amended merely to give Boards of County Commissioners the same authority that City Councils have to set the terms as they deem appropriate

Prepared by:

Howard Schwartz, Executive Officer
Missoula County
1/22/87

VISITORS' REGISTER

LOCAL GOVERNMENT COMMITTEE

BILL NO. HB 277 DATE Jan. 23, 1987

SPONSOR Rep. Connelly

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
ELLEN LEAHY	missoula - HEALTH DEPT	X	
Clay Gregory	Missoula City Police	X	
[illegible]	Missoula City Council	✓	
Maureen Beaton	(1) Helena City Commissioner (2) Stop DUI Task Force	X	
Al Goke	Hwy Safety - Justice	X	
Jim Nyman	MT AFA	X	
[illegible]	Mont C.	X	
Bill McDonald	Mont Citizens + Health Bd	X	
Denise Dishon	Billings Farmers	X	
Dave Miller	Three Forks MT.	X	
William Visser	Madison County	X	
Brookes Morin	City of Helena	X	
[illegible]	L + C Co HEALTH	X	
Larry Morgan	Mont Wholesale Liquor	—	
ROBERT M. McCARTHY	[illegible]	X	
GARY R Keeler	Butte Silver Bow	X	
Jim Johnson	Butte-Silver Bow	X	
M.E. "Micky" Nelson, Comm	L+C Co. D.U.I Task Force	X	
Will E Selser	L+C Co Health	X	
Roger Tippy	MT Beer + Wine Wholesalers	X	
Dick Anderson	L+C DUI Task Force	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FOR

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

CS-33

The question was called on Rep. Sales' motion to DO NOT PASS HB 422. A roll call vote was taken and the motion carried 10 to 6.

DISPOSITION OF HOUSE BILL 350: Rep. Darko moved to DO NOT PASS HB 350. The question was called and all were in favor with the exception of Rep. Gould.

Rep. Ramirez commented that calling the question immediately after a motion and then putting it immediately to a vote is not an appropriate way to proceed. He commented that because someone calls the question does not mean that the motion has to be voted on. He said the committee should be more informal. He said it did not matter on the last bill but sometimes it can make a difference.

DISPOSITION OF HOUSE BILL 277: Rep. Brandewie moved to DO PASS HB 277 and moved the AMENDMENTS proposed by Rep. Connelly (Exhibit 5). He said the amendments address concerns and questions the committee had during the hearing. They take out of the bill someone losing their license for reckless driving and other violations which narrows it down to actual use of alcohol or narcotic drug.

Rep. Darko asked if Lee Heiman could explain the amendments.

Mr. Heiman stated Amendment 2 provides that it only be an alcohol or drug-related license loss or seizure. He said it references the implied consent law. Amendment 3 and 5 speak to the fiscal note and that the fund was wrong and the money in the fund should be appropriated. Amendment 4 provides that if the county does not have the program, the county still gets the money from violations occurring within the county but can only use it for DUI education or DUI law enforcement. Amendment 1 conforms the title.

Rep. Sales voiced concern of what was done to the revenue in the bill. The section that applied to suspensions was taken out and mandatory revocations left. He assumed there would be four times as many suspensions as revocations and this would only leave 20 percent of the money. He said with the amendments it might destroy what they are trying to do.

Rep. Bulger commented that according to testimony this does not take out suspensions. It only includes suspensions that are related to alcohol and drugs. There are other suspensions that were less than 1/3 which were not alcohol or drug related. It excludes the 16 percent only.

Rep. Kitselman commented that before money could be shifted to existing programs. The way the bill is worded now, the money stays with the county where it is generated so that some of the programs that were having the pooling effect no longer have that which might cause those counties to eliminate the program.

Rep. Bulger commented that the purpose of the bill is to give the funds to the task forces and if it is for funding education or law enforcement there needs to be clarification.

Rep. Brandewie commented that the counties that have the most activities will be getting the money. Yellowstone, Flathead, Cascade, Fergus, Gallatin, Silver Bow are the counties that have most of the violations. He did not see any problem with the distribution of the money. For counties that don't have a program, the money will be there for educational programs in the grade schools or high schools.

Rep. Brown wasn't sure that regarding driving under the influence of alcohol, if the intent was to limit it to alcohol or to include other narcotic substances. She said it does not seem to be consistent throughout the bill.

The question was called on Rep. Brandewie's motion to pass the AMENDMENTS. The motion carried unanimously.

Rep. Brandewie moved to DO PASS HB 277 AS AMENDED. The motion carried with Rep. Grinde and Rep. Whalen voting no.

DISPOSITION ON HOUSE BILL 335: Rep. Sales moved to DO PASS HB 335. The question was called and the motion carried unanimously.

ADJOURNMENT: There being no further business to come before the committee, the meeting was adjourned at 2:50 p.m.

Rep. Norm Wallin, Chairman

STANDING COMMITTEE REPORT

January 30 19 87

Mr. Speaker: We, the committee on LOCAL GOVERNMENT

report HB 277

☒ do pass ☐ be concurred in ☒ as amended
☐ do not pass ☐ be not concurred in ☐ statement of intent attached

Rep. Norm Wallin Chairman

1. Title, line 7.
Following: "FEE"
Insert: "; AND PROVIDING AN APPROPRIATION"

2. Page 2, line 22.
Following: line 21
Insert: "for driving a motor vehicle under the influence of alcohol or a narcotic drug"
Strike: ", 61-5-206,"
Following: "or"
Insert: "seized pursuant to"

3. Page 3, line 4.
Strike: "proprietary"
Insert: "special revenue"

4. Page 3, line 16 through line 5 on page 4.
Following: "[section 1]" on line 16 page 3
Strike: the remainder of subsection (4) and subsection (5) in its entirety
Insert: "the department shall transmit the proceeds of the license reinstatement fees collected in that county to the county treasurer at the end of each quarter and the treasurer shall deposit the license reinstatement fee in an account earmarked solely for funding education or law enforcement aimed at reducing driving under the influence of alcohol or narcotic drugs."

5. Page 4.
Following: line 5
Insert: "Section 3. Appropriation. All money deposited in the special revenue account established in [section 2] is appropriated to the department of justice for the biennium ending June 30, 1989, for distribution as provided in this act."
Renumber: subsequent section

FIRST WHITE
reading copy (color)

CLERICAL

Date: 1/30

Time: 6:00

House Bill 277

In accordance with Joint Rule 3-7(b) the following clerical errors may be corrected:

House Local Government

1. Title, lines 5 ~~and 7~~.
Following: "PROGRAMS;" on line 5
Strike: "AND"

4. Insert: "; the department . . .
. . . each quarter; and the"

1-31

Representative Wallin

Sponsor

10:45

Secretary of Senate
or
Chief Clerk

caj

Legislative Council

EXHIBIT 5
DATE 1-30-87
HB 277

Amend House Bill 277 Introduced copy (white)
Rep Connelly

1. Title, line 7.
Following: "FEE"
Insert: "; AND PROVIDING AN APPROPRIATION"

2. Page 2, line 22.
Following: line 21
Insert: "for driving a motor vehicle under the influence of alcohol or a narcotic drug"
Strike: ", 61-5-206,"
Following: "or"
Insert: "seized pursuant to"

3. Page 3, line 4.
Strike: "proprietary"
Insert: "special revenue"

4. Page 3, line 16 through line 5 on page 4.
Following: "[section 1]" on line 16 page 3
Strike: the remainder of subsection (4) and subsection (5) in its entirety
Insert: "the department shall transmit the proceeds of the license reinstatement fees collected in that county to the county treasurer at the end of each quarter and the treasurer shall deposit the license reinstatement fee in an account earmarked solely for funding education or law enforcement aimed at reducing driving under the influence of alcohol.

5. Page 4.
Following: line 5
Insert: "Section 3. Appropriation. All money deposited in the special revenue account established in [section 2] is appropriated to the department of justice for the biennium ending June 30, 1989, for distribution as provided in this act."
Renumber: subsequent section

xt01
c:\wp\lee\amd277

ACTION ON HOUSE BILL 141: Senator Crippen moved HB 141 BE CONCURRED IN. The motion CARRIED.

CONSIDERATION OF HOUSE BILL 277: Representative Mary Ellen Connelly, House District 8, said HB 277 authorizes counties to establish drinking and driving prevention programs and establishes a $50 driver's license reinstatement fee to fund the programs. She gave the committee some amendments to the bill because the House General Fund Committee put all the money for this program in the General Fund. She wanted to see it back in the Program Fund because she thought the money would get lost in the General Fund after two years, and the program might fall apart. (Exhibit 2) She also distributed a copy of a gray bill. (Exhibit 3) Representative Connelly presented the committee with two editorials on the DUI program (Exhibit 4 and 4A), and a fiscal note for HB 277. (Exhibit 5)

Al Goke, Highway Traffic Safety Department, supported the bill because it makes local people work on local projects. He said from 1984, alcohol related accidents has dropped 33%. He said there were 800 fewer injuries last year and 50 less deaths with alcohol related accidents in the state.

Jeannette S. Buchanan-Tawney, Missoula DUI Prevention, explained the letters she presented to the committee, which were from Missoula area people. (Exhibit 6)

Mickey Nelson, Lewis and Clark DUI Task Force, said he supported the bill because it brings all kinds of people together to fight a deadly issue. He said a DUI death is approximately a $200,000 impact to a community. He felt there would be no General Fund money used. He supported the Connelly amendments.

Rayleen Beaton, Stop DUI Task Force, said the task force was asked to come up with funds after the federal funds were gone. She said the funding is needed now because of the grandfathering clause for 19 year olds. She gave the committee a STOP Task Force Program pamphlet, together with testimony from William Ware, Chief of Police, Helena. (Exhibits 7 and 8)

Jess Adams, Great Falls Students Against Drunk Drivers, said the Cascade County SADD won a $20,000 scholarship from Readers Digest for having the best SADD campaign against drunk driving. He explained the Task Force gave the student group $900 for expenses for the campaign.

Jess Seaman, Great Falls, SADD, supported the bill and said the SADD program will hopefully grow because the funding helps the program develop new ideas for prevention.

Joyce Fisher, Gallatin County DUI Task Force said Gallatin County, with 10,000 college students, did not have one alcohol related death last year. She said the program needs to stay alive just because of that reason.

Gallatin County Commissioners gave testimony to the committee. (Exhibit 9)

DISCUSSION ON HOUSE BILL 277: Senator Pinsoneault asked how the $50 fee was arrived at. Rep. Connelly said it was based on arrests and suspensions. Senator Pinsoneault inquired if the bill will fund the court school. Rep. Connelly said no, it doesn't fund that. She said 40% of the fund goes to DUI training for officers.

Senator Mazurek questioned if the amendments put it back in its original place. Rep. Connelly said yes, and the vote on putting these amendments back in was a party-line vote.

Senator Beck asked why the countys can't handle the fund because each county gets the amount of money put in by people living in that county. Rep. Connelly said the reason the state handles the fund is the $50 fee is given when the license is reinstated, which is run by the Dept. of Justice. Senator Beck asked if each county could afford to run this program with the money each county is given. Rep. Connelly said it is a voluntary program. Senator Beck asked if a county gets $50 because it only had one DUI, and doesn't have a task force, can the county spend that $50 someplace else. Rep. Connelly said it has to be spent on education or enforcement for DUI's.

Representative Connelly closed by saying the bill should be left on the county level.

CONSIDERATION OF HOUSE BILL 430: Representative Ray Brandewie, House District 49, introduced HB 430, which clarifies the penalties that may be imposed for deliberate homicide. He said the bill will change statute on life imprisonment and make the statute more clear.

PROPONENTS and OPPONENTS: There were no proponents or opponents.

Larry Akey, Secretary of State's Office, presented amendments to HB 504. (Exhibit 11)

Senator Mazurek thought 20 days was a little late. Mr. Akey said there is a period of 20 days before the ballot is voted on. Rep. Kadas felt the amendments put a time limit on the procedural initiatives which he didn't like. The committee WAITED ON ACTION.

ACTION ON HOUSE BILL 805: Senator Halligan said people are going to drive, no matter what you tell them. Senator Blaylock moved to TABLE the bill. The motion CARRIED with Senator Bishop voting no.

ACTION ON HOUSE BILL 277: Senator Halligan moved the Connelly amendments. Senator Mazurek stated it might be hard to get this through with a conference committee. The motion CARRIED. Senator Blaylock mentioned on page 3, lines 2-3, the word "seized pursuant" doesn't really need to be in there. Larry Majerus said that was fine because seized is not used very often. Senator Halligan moved the amendment to strike "seized pursuant" from page 3, lines 2-3. The motion carried.

Senator Halligan moved the bill BE CONCURRED IN AS AMENDED. The motion CARRIED with Senator Beck voting no.

ACTION ON HOUSE JOINT RESOLUTION 21: Senator Mazurek did not like the idea that the first judge pick the second judge, because if the first one is a bad judge, then he might pick a second judge who is not very good. He did say this probably wouldn't be used that often.

Senator Pinsoneault moved the resolution BE CONCURRED IN. The motion CARRIED. (See roll call sheet)

ACTION ON HOUSE BILL 566: Senator Halligan moved an amendment to HB 566. (See Standing Committee Report) The motion carried. Senator Brown moved HB 566 BE CONCURRED IN AS AMENDED. The motion CARRIED.

ADJOURNMENT: The committee adjourned at 12:10 p.m.

SENATOR JOE MAZUREK, Chairman

mh

ROLL CALL

Judiciary COMMITTEE

50th LEGISLATIVE SESSION -- 1987 Date March 17

NAME	PRESENT	ABSENT	EXCUSED
Senator Joe Mazurek, Chairman	X		
Senator Bruce Crippen, Vice Chairman	X		
Senator Tom Beck	X		
Senator Al Bishop	X		
Senator Chet Blaylock	X		
Senator Bob Brown	X		
Senator Jack Galt	X		
Senator Mike Halligan	X		
Senator Dick Pinsoneault	X		
Senator Bill Yellowtail	X		

Each day attach to minutes.

DATE 3-17-87

COMMITTEE ON Judiciary

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Rayleen Beaton	Stop DUI Task Force	277	X	
Henry Noble	District Judge	141	X	
Jeff Adams	Great Falls SADD.	277	✓	
Jeff Seaman	Great Falls SADD	277	X	
Tom Hirsel	District Judge	141	X	
Judith Carlson	L & C County	277	X	
Brookes Morin	City of Helena	HB 277	X	
Albert Goke	High Traffic Safety - Justice	HB 277	X	
Dick Nicholas	L. C. DUI Task Force	HB 277	X	
Will Selser	L & C DUI Task Force	HB 277	X	
Jeannette Stackhouse-Tawney	Missoula DUI Prevention	original HB 277	X	
Doris Fisher	Gallatin County Coroner DUI	HB 277	X	
M.E. "Micky" Nelson, Coroner	L & C Co. DUI Task Force	HB 277	X	

SENATE JUDICIARY
EXHIBIT NO. 2
DATE March 17, 19
BILL NO. HB 277

Senate Judiciary Committee

AMENDMENTS TO HOUSE BILL 277 (blue)
(requested by sponsor)

1. Title, lines 9 and 10.
Following: "~~APPROPRIATION~~"
Strike: remainder of line 9 through "THE" on line 10
Following: "PROGRAM;"
Insert: "AMENDING SECTION 17-7-502, MCA;"

2. Page 3, lines 1 and 2.
Strike: line 1 in its entirety through "DRUG" on line 2
Following: "~~61-5-206,~~"
Insert: "or 61-5-206"

3. Page 3, line 11.
Following: "~~treasury~~"
Strike: "THE GENERAL FUND"
Insert: "a drinking and driving prevention account in the special revenue fund category in the state treasury"

4. Page 3, lines 21 and 22.
Following: "TREASURER"
Strike: remainder of line 21 through "APPROPRIATION" on line 22
Insert: "at the end of each quarter"

5. Page 4, lines 22 and 23.
Following: "TREASURER"
Strike: remainder of line 22 through "APPROPRIATION" on line 23
Insert: "at the end of each quarter"

6. Page 5, following line 2.
Insert: "Section 4. Appropriation. All money deposited in the special revenue account established in [section 2] is statutorily appropriated, as provided in 17-7-502, to the department of justice for distribution as provided in [section 3].

Section 5. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations:

(a) 2-9-202;
(b) 2-17-105;
(c) 2-18-812;
(d) 10-3-203;
(e) 10-3-312;
(f) 10-3-314;
(g) 10-4-301;
(h) 13-37-304;
(i) 15-31-702;
(j) 15-36-112;
(k) 15-70-101;
(l) 16-1-404;
(m) 16-1-410;
(n) 16-1-411;
(o) 17-3-212;
(p) 17-5-404;
(q) 17-5-424;
(r) 17-5-804;
(s) 19-8-504;
(t) 19-9-702;
(u) 19-9-1007;
(v) 19-10-205;
(w) 19-10-305;
(x) 19-10-506;
(y) 19-11-512;
(z) 19-11-513;
(aa) 19-11-606;
(bb) 19-12-301;
(cc) 19-13-604;
(dd) 20-6-406;
(ee) 20-8-111;
(ff) 23-5-612;
(gg) 37-51-501;
(hh) 53-24-206;
(ii) 75-1-1101;
(jj) 75-7-305;
(kk) 80-2-103;
(ll) 80-2-228;
(mm) 90-3-301;
(nn) 90-3-302;

SENATE JUDICIARY
EXHIBIT NO. 2
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(oo) 90-15-103; and
(pp) Sec. 13, HB 861, L. 1985; and
(qq) [section 4].

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for such payments.""

Renumber: subsequent sections

6. Page 5, line 9.
Following: "THROUGH"
Strike: "3"
Insert: "4"

7. Page 5, line 11.
Following: "THROUGH"
Strike: "3"
Insert: "4"

8. Statement of intent.
Strike: statement of intent in its entirety

SENATE JUDICIARY
EXHIBIT NO. 2
DATE 3-17-87

SENATE JUDICIARY
EXHIBIT NO. 3
DATE March 17, 19
BILL NO. HB 277

HOUSE BILL NO. 277

INTRODUCED BY CONNELLY, HALLIGAN, PETERSON, LORY, REAM, BRANDEWIE, HARP, KADAS, HANSEN, MOORE, VINCENT, FRITZ, SQUIRES

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING COUNTIES TO ESTABLISH DRINKING AND DRIVING PREVENTION PROGRAMS; ~~AND~~ PROVIDING FOR FUNDING WITH A DRIVER'S LICENSE REINSTATEMENT FEE; ~~AND~~ PROVIDING AN ~~APPROPRIATION ALLOCATION PROCEDURE FOR~~ THE APPROPRIATION TO THIS PROGRAM; AMENDING SECTION 17-7-502, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. County drinking and driving prevention program. (1) The governing body of a county may appoint a task force to study the problem of alcohol-related traffic accidents and recommend a program designed to:

(a) prevent driving while under the influence of alcohol;

(b) reduce alcohol-related traffic accidents; and

(c) educate the public on the dangers of driving after consuming alcoholic beverages or other chemical substances that impair judgment or motor functions.

(2) A task force appointed under subsection (1) shall conduct its study and submit its recommendations within 6

months from the date it was appointed.

(3) The county governing body may by resolution adopt the recommendations of the task force appointed under subsection (1). The proposed program must be approved by the governor as provided in 61-2-105.

(4) The chairman of the task force shall submit to the county governing body:

(a) a budget and a financial report for each fiscal year; and

(b) an annual report containing but not limited to:

(i) an evaluation of the effectiveness of the program;

(ii) the number of arrests and convictions in the county for driving under the influence of alcohol and the sentences imposed for these convictions;

(iii) the number of alcohol-related traffic accidents in the county; and

(iv) any other information requested by the county governing body or the department or considered appropriate by the task force.

(5) A copy of the annual report must be submitted to the department.

NEW SECTION. Section 2. License reinstatement fee to fund county drinking and driving prevention programs. (1) Notwithstanding the provisions of any other law of the state, a driver's license that has been suspended or revoked

SENATE JUDICIARY
EXHIBIT NO. 3 HB 277
DATE 3-17-87

~~FOR--DRIVING--A-MOTOR-VEHICLE-UNDER-THE-INFLUENCE-OF-ALCOHOL OR-A-NARCOTIC-DRUG~~ under 61-5-205~~,~~ ~~61-5-206~~, OR 61-5-206 or SEIZED PURSUANT TO 61-8-402 may not be restored until the driver has paid to the department a fee of $50 in addition to any other fines, forfeitures, and penalties assessed as a result of conviction for a violation of the traffic laws of the state.

(2) The department shall deposit the fees collected under subsection (1) in ~~a-drinking-and-driving-prevention account-in-the-proprietary~~ SPECIAL REVENUE ~~fund-category--in the--state--treasury~~ ~~THE-GENERAL-FUND~~ A DRINKING AND DRIVING PREVENTION ACCOUNT IN THE SPECIAL REVENUE FUND CATEGORY IN THE STATE TREASURY.

~~(3)~~NEW SECTION. Section 3. Funding allocation for programs to prevent or reduce drinking and driving. (1) If the county in which the violation or violations occurred has initiated and maintained a drinking and driving prevention program as provided in [section 1], the department shall transmit the ~~proceeds--of--the--license-reinstatement-fees collected-in-that-county-to-the-county-treasurer-at-the--end of--each--quarter,-and-the~~ PROPORTION OF THE PROCEEDS OF THE LICENSE REINSTATEMENT FEES COLLECTED IN THAT COUNTY TO THE TOTAL COLLECTED FOR THE STATE TO THE COUNTY TREASURER ~~BY SEPTEMBER-30-OF-EACH-FISCAL--YEAR--FOR--WHICH--THERE--IS--AN APPROPRIATION~~ AT THE END OF EACH QUARTER. THE treasurer

SENATE JUDICIARY
EXHIBIT NO. 3

shall deposit the ~~license--reinstatement--fee~~ MONEY in an account earmarked for the program.

~~(4)~~(2) If the county in which the violation or violations occurred has not initiated a drinking and driving prevention program as provided in [section 1] ~~or--if--the county--has--initiated-and-terminated-a-drinking-and-driving prevention-program,-the-department-shall-allocate-the-fee-to counties-with-current-programs-at-the-end-of--each--quarter, in-inverse-proportion-to-the-amount-of-license-reinstatement fees--transmitted--to--each--county--during--the--previous-3 months.~~

~~(5)--If-the-license--was--suspended--or--revoked--as--a result--of-violations-that-occurred-in-more-than-one-county, the-department-shall-transmit-the-fee-to--the--treasurer--of the--county--in--which--the-licensee-resides-at-the-time-the license-is-restored,-if-that-county-has-a--current--drinking and--driving-prevention-program.-If-the-licensee's-county-of residence-does-not-have-a-drinking--and--driving--prevention program,--the--department-shall-allocate-the-fee-as-provided in--subsection--(3).~~, THE DEPARTMENT SHALL TRANSMIT THE ~~PROCEEDS-OF-THE-LICENSE-REINSTATEMENT-FEES-COLLECTED-IN-THAT COUNTY--TO--THE-COUNTY-TREASURER-AT-THE-END-OF-EACH-QUARTER, AND--THE~~ PROPORTION OF THE PROCEEDS OF THE LICENSE REINSTATEMENT FEES COLLECTED IN THAT COUNTY TO THE TOTAL COLLECTED FOR THE STATE TO THE COUNTY TREASURER ~~BY-SEPTEMBER~~

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DATE 2-17-87

~~30-OF-EACH-FISCAL-YEAR-FOR-WHICH-THERE-IS--AN--APPROPRIATION~~ AT THE END OF EACH QUARTER. THE TREASURER SHALL DEPOSIT THE ~~LICENSE-REINSTATEMENT-FEE~~ MONEY IN AN ACCOUNT EARMARKED SOLELY FOR FUNDING EDUCATION OR LAW ENFORCEMENT AIMED AT REDUCING DRIVING UNDER THE INFLUENCE OF ALCOHOL OR NARCOTIC DRUGS.

NEW SECTION. SECTION 4. APPROPRIATION. ALL MONEY DEPOSITED IN THE SPECIAL REVENUE ACCOUNT ESTABLISHED IN [SECTION 2] IS STATUTORILY APPROPRIATED, AS PROVIDED IN 17-7-502, TO THE DEPARTMENT OF JUSTICE FOR DISTRIBUTION AS PROVIDED IN [SECTION 3].

SECTION 5. SECTION 17-7-502, MCA, IS AMENDED TO READ:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

SENATE JUDICIARY
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(3) The following laws are the only laws containing statutory appropriations:

(a) 2-9-202;

(b) 2-17-105;

(c) 2-18-812;

(d) 10-3-203;

(e) 10-3-312;

(f) 10-3-314;

(g) 10-4-301;

(h) 13-37-304;

(i) 15-31-702;

(j) 15-36-112;

(k) 15-70-101;

(l) 16-1-404;

(m) 16-1-410;

(n) 16-1-411;

(o) 17-3-212;

(p) 17-5-404;

(q) 17-5-424;

(r) 17-5-804;

(s) 19-8-504;

(t) 19-9-702;

(u) 19-9-1007;

(v) 19-10-205;

(w) 19-10-305;

SENATE JUDICIARY
EXHIBIT NO. 3

(x) 19-10-506;

(y) 19-11-512;

(z) 19-11-513;

(aa) 19-11-606;

(bb) 19-12-301;

(cc) 19-13-604;

(dd) 20-6-406;

(ee) 20-8-111;

(ff) 23-5-612;

(gg) 37-51-501;

(hh) 53-24-206;

(ii) 75-1-1101;

(jj) 75-7-305;

(kk) 80-2-103;

(ll) 80-2-228;

(mm) 90-3-301;

(nn) 90-3-302;

(oo) 90-15-103; ~~and~~

(pp) Sec. 13, HB 861, L. 1985; and

(qq) [section 4].

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements

SENATE JUDICIARY
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authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for such payments."

~~SECTION 4. APPROPRIATION. ALL MONEY DEPOSITED IN THE SPECIAL REVENUE ACCOUNT ESTABLISHED IN (SECTION 2) IS APPROPRIATED TO THE DEPARTMENT OF JUSTICE FOR THE BIENNIUM ENDING JUNE 30, 1989, FOR DISTRIBUTION AS PROVIDED IN THIS ACT.~~

NEW SECTION. Section 6. Codification instruction. Sections 1 ~~and 2~~ THROUGH 3 4 are intended to be codified as an integral part of Title 61, chapter 2, and the provisions of Title 61, chapter 2, apply to sections 1 ~~and 2~~ THROUGH 3 4.

NEW SECTION. SECTION 7. EFFECTIVE DATE. THIS ACT IS EFFECTIVE JULY 1, 1987.

-End-

SENATE JUDICIARY
EXHIBIT NO. 3
DATE 3-17-87
BILL NO H.B. 277

STATEMENT OF INTENT

HOUSE BILL 277

House Appropriations Committee

It is the intent of the legislature that the license reinstatement fee collected be deposited in the general fund.

It is the intent of the legislature that the records be kept to identify the amount of money collected by the county each year.

It is further the intent of the legislature that the 1989 legislature consider making a general fund appropriation for this program in fiscal 1990 and 1991 which is equal to the revenue collected in fiscal 1988 and 1989, respectively.

SENATE JUDICIARY
EXHIBIT NO. 3
DATE 3-17-87
BILL NO. H.B. 277

Montana Legislative Council

SENATE JUDICIARY
EXHIBIT NO. 4
DATE March 17, 19
BILL NO. HB 277

Missoulian editorial

DUI Task Forces worth funding

Drunken driving is a problem many Montana counties are fighting with the help of DUI Task Forces, groups of citizens and officials organized in 1983 with the help of a three-year federal grant. Their success has been measurable.

Since 1983, the number of alcohol-related accidents has declined 33 percent in Montana, with 87 percent of the decline coming in the 23 counties that have DUI Task Forces, according to Albert Goke of the state Department of Justice's Highway Traffic Safety Division.

Along with the decline in numbers, alcohol-related accidents have fallen as a percentage of total traffic accidents. In 1983, more than 22 percent of all accidents in the state were alcohol-related; by 1986, the percentage had dropped to 17 percent.

The task forces have produced their impressive results through public education about driving under the influence of alcohol, assisting in better cooperation among law enforcement agencies, and providing police and sheriffs' departments the money to finance stepped-up enforcement of drunken driving laws.

The federal money that's supported the task forces and their efforts is gone, but the groups are worth keeping. They've proved their worth.

Rep. Mary Ellen Connelly, D-Whitefish, has proposed an innovative way to produce the $300,000 a year it will take to keep the DUI task forces in business.

Her idea is to charge a $50 fee for reinstating a driver's license that's been suspended or revoked following an alcohol-related traffic conviction. Her proposal, contained in House Bill 277, wouldn't cost law-abiding drivers a single dime. As HB277 was originally worded, people who get caught drinking and driving would pay for the ongoing effort to keep drunks off the highways.

The $50 license-reinstatement fee would be added to other fines imposed on anyone convicted of DUI, refusal to undergo a test for blood alcohol content, and driving with a blood-alcohol content of 0.1 or greater."

The state Office of Budget and Program Planning estimates that about 9,600 motorists will lose their licenses and be subject to the fee, and nearly two-thirds will pay it. The fee will produce $226,800, after expenses, in 1988 and about $302,000 in 1989, the agency projects.

Connelly's bill, which is progressing through the House with the help of several Missoula-area lawmakers, would require DUI task forces to recommend to county commissioners a plan for reducing drunken driving. The DUI-control program would have to be approved by both the local commissioners and the governor, and each task force would have to report annually on the effectiveness of its efforts.

Connelly's bill stipulated that money raised with the special license fee should be spent for task forces in the counties where the DUI convictions originated. It was amended to accommodate counties that don't have task forces, allowing them to receive the money earmarked for DUI enforcement.

This is a good, sensible approach to maintaining the effective DUI task forces. Unfortunately, a House committee on Wednesday voted to channel the money into the state General Fund instead of earmarking it for DUI prevention. That's unacceptable. The bill is intended to combat drunken driving, not subsidize general government operations.

The DUI task forces have accomplished much in three years. Our highways are safer because of the task forces' work. We can keep them that way by turning HB277 into law under the condition that the money be earmarked for DUI prevention.

Missoulian editorials

3/10/87

DUI 'user's fee' makes sense

House Bill 277, the measure intended to help local groups fighting drunken driving continue doing their good work was rendered meaningless by House action. Let's hope the Senate puts the bill back on track.

The bill calls for a $50 driver's license reinstatement fee for anyone who loses his license for an alcohol-related traffic offense. As HB 277 was originally worded, the money would be earmarked for DUI task forces — local groups whose work has helped cut the number of alcohol-related accidents in Montana by one-third.

The bill passed the House, but not before it was amended and its intent twisted. Instead of providing money to support better enforcement of drunken driving laws and public education about drinking and driving, the license-reinstatement fees would now disappear into the fiscal black hole of the state general fund.

The amount of money at stake is not great — the potential revenue is estimated to be $302,000 or less. It's enough to replace the expired federal grants that have funded DUI task forces in 26 Montana counties since 1983, however. As a contribution toward the state's general-fund deficit of more than $100 million, HB 277 is insignificant.

Many legislators are reluctant to earmark revenue for specific purposes. They prefer to funnel money into the general fund and appropriate various sums as they see fit. That's the best way to handle money from general taxes, but it's not appropriate for handling "user's fees," including the license-reinstatement fee proposed in HB 277. The diversion of the money to the general fund is especially objectionable because it would leave the DUI task forces without funding.

The idea behind HB 277 is that those who choose to drink and drive ought to be the ones who pay the increased costs of protecting law-abiding motorists from drunks. As a fund-raiser for DUI enforcement, the license reinstatement fee makes considerable sense.

The Senate's challenge is to restore the bill's intent. The public must then persuade the House to recant.

SENATE JUDICIARY
EXHIBIT NO. 4A
DATE March 17, 1987
BILL NO. HB 277

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB277, Grey Reading Copy.

DESCRIPTION OF PROPOSED LEGISLATION:
An act authorizing counties to establish drinking prevention programs; providing for funding with a driver's license reinstatement fee; providing an appropriation to this program; amending Section 17-7-502, MCA; and providing an effective date.

SENATE JUDICIARY
EXHIBIT NO. 5
DATE March 17, 1987
BILL NO. HB 277

ASSUMPTIONS:
1. 9,600 suspensions and revocations exist under current law.
2. 63% will pay reinstatement fee (22% out-of-state no pays and 15% in-state no pays).
3. Workload would require 2 FTE (clerk-typist, Grade 7, Step 2; plus operational costs and equipment) in Motor Vehicle Division, Department of Justice.
4. All revenue would be disbursed to qualifying counties by the Highway Traffic Safety Division, Department of Justice.
5. Spending authority will be appropriated to the Department of Justice.
6. Federal grant funds would support the administration costs of the Motor Vehicle Division. Federal funds would be available for three years only. State funds would be required thereafter.

FISCAL IMPACT:
Expenditures:

	FY88			FY89		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
Personal Services	$ 0	$ 31,130	$ 31,130	$ 0	$ 31,130	$ 31,130
Operating Expenses	0	2,400	2,400	0	400	400
Equipment	0	900	900	0	0	0
	$ 0	$ 34,430	$ 34,430	$ 0	$ 31,530	$ 31,530
Funding:						
Federal	$ 0	$ 34,430	$ 34,430	$ 0	$ 34,430	$ 34,430
Revenues:						
Fees	$ 0	$ 302,400	$ 302,400	$ 0	$ 302,400	$ 302,400
Local Government Pass Through:	$ 0	$ 302,400	$ 302,400	$ 0	$ 302,400	$ 302,400

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:
After three years State Special Revenue monies will be used to provide the personal services cost of this program.

David L. Hunter DATE 3/16/87
DAVID L. HUNTER, BUDGET DIRECTOR
Office of Budget and Program Planning

M. E. Connelly DATE
MARY ELLEN CONNELLY, PRIMARY SPONSOR

Fiscal Note for HB277, Grey Reading Copy.

MISSOULA CITY-COUNTY HEALTH DEPARTMENT

SENATE JUDICIARY
EXHIBIT NO. 6
DATE March 17, 1987
BILL NO. HB 277

March 13, 1987

Senator Joseph P. Mazurek, Chairman
Judiciary Committee
Montana State Senate
State Capital
Helena, MT 59620

AGAINST HB277 AS AMENDED

FOR ORIGINAL HB277

Dear Senator Mazurek:

I am Jeannette S. Buchanan-Tawney, Chairman of the Missoula Task Force for the Prevention of Driving Under the Influence. I speak in opposition to the statement of intent and HB277 as amended. I speak for the original intent of HB277.

1. I support a special fund for the deposit of revenue raised by the driver's license reinstatement fee. I oppose the amendment which places this revenue in the General Fund (p.3, lines 9-11).

2. The offender of safe driving practices needs to meet all of the conditions imposed by law before having the privilege of driving reinstated including the A.C.T. program (p.3, line 5).

3. Also, I would like to clarify that these revenues would be collected by the Department of Justice, which is the department responsible for the restitution of suspended or revoked driver's licenses.

Thank you for your consideration. If the original intent cannot be restored, I speak in opposition to HB277 amended.

Sincerely,

Jeannette S. Buchanan-Tawney
Missoula DUI Task Force

JBT:mjp

cc: Judiciary Committee

MISSOULA COUNTY
BOARD OF COUNTY COMMISSIONERS
• Missoula County Courthouse • Missoula, Montana 59802
(406) 721-5700

SENATE JUDICIARY
EXHIBIT NO. 6
DATE March 17, 19
BILL NO. HB 277

BCC-87-136

March 13, 1987

Senator Joseph P. Mazurek, Chairman
Judiciary Committee
Montana State Senate
State Capital
Helena, MT 59620

Dear Senator Mazurek:

I am writing in support of HB277 in its original form without the House amendments. My support of funding local DUI (driving under the influence) prevention activities through a driver's license reinstatement fee is based on the following reasons:

1. As evidenced by the 21% reduction in alcohol-related traffic accidents during the term of Missoula County's DUI Task Force, local drinking and driving prevention programs are effective.

2. The funding mechanism, as originally proposed in HB277, would generate revenue from convicted DUI offenders. This "user's fee" would be appropriated directly back to counties for program support, thereby, relieving the taxpayer from direct program costs and further reducing the public's indirect costs associated with alcohol-related traffic accidents. The House amendment to divert said revenues to the general fund is contrary to the bill's original intent.

I strongly urge the members of the Senate Judiciary Committee to restore the original intent of HB277. Thank you for your consideration of this testimony.

Sincerely,

Ann Mary Dussault
Commissioner, Missoula County

MISSOULA CITY-COUNTY HEALTH DEPARTMENT

SENATE JUDICIARY
EXHIBIT NO. 6
DATE March 17, 1987
BILL NO. HB 277

March 16, 1987

Senator Joseph P. Mazurek, Chairman
Judiciary Committee
Montana State Senate
State Capital
Helena, MT 59620

Dear Senator Mazurek:

I am writing in support of HB277 in its original form without the House amendment.

The funding mechanism of HB277, as originally proposed, would generate revenue from convicted DUI offenders through a driver's license reinstatement fee. This "user's fee" would be directed back to counties for support of local drinking and driving prevention activities. Diverting this revenue to the general fund, as proposed by the House amendment, defeats the bill's intent.

I urge the members of the Senate Judiciary Committee to restore the original intent of, then pass, HB277. Thank you for consideration of this testimony.

Sincerely,

Ellen Leahy, Chairperson
Missoula Traffic Safety Task Force

EL:mjp

cc: Senate Judiciary Committee Members

301 W. ALDER, MISSOULA, MT 59802 (406) 721-5700

SENATE JUDICIARY
EXHIBIT NO. 6
DATE March 17, 1987
BILL NO. HB 277

March 15, 1987

Judiciary Committee
Montana State Senate
State Capitol
Helena, MT 59620

Dear Committee Members:

I am writing in regards to HB 277. I do support the bill but not as it has been amended. I realize that you are in a very tough position with regards to balancing the budget. However, balancing the budget is not the only problem we face in the State.

The best use of this money must be considered when making your decisions. The monies derived from these reinstatement fees will do much more good back in the counties aiding DUI prevention programs than in the General Fund. The success of the Missoula DUI Task Force is too significant to be ignored. It is widely recognized that the misuse of alcohol has exacted a high price from all Montana citizens.

HB 277, before it was amended, was a logical attempt to address a problem that everyone recognizes. I fully supported this bill and what it was trying to accomplish. I encourage your consideration and support of this bill in its original form.

Thank you for your time and service to the citizens of this State.

Sincerely yours,

Douglas R Harrison

Douglas R. Harrison
City Council Representative
Ward 4
Missoula, MT

"TO PROTECT AND TO SERVE"

MISSOULA CITY POLICE DEPARTMENT

201 W. SPRUCE • MISSOULA, MT 59802-4297 • (406) 721-4700

TO: Honorable Montana State Senate

RE: HB 277

DATE: March 10, 1987

I would like to offer my statement of support of House Bill 277 in its original form without the amendments.

I would like to further state that I would prefer to see HB 277 killed rather than passed as amended.

The original intent of the Bill was to provide funding for local law enforcement agencies to proactively enforce DUI statutes. In its amended form, the revenue will not be returned to local agencies and budget constraints will preclude strong proactive enforcement. If the amended bill is passed, it will most certainly eliminate any possibilities for successful revenue generating legislation in the near future.

Thank you for allowing me this input.

M. D. Hamilton, Chief of Police

SENATE JUDICIARY
EXHIBIT NO. 6
DATE 3-17-87
BILL NO. H.B. 277

March 11, 1987

Senate Judicial Committee
Capitol Building
Helena, MT 59601

Re: Bill 277

Gentlemen:

As this bill is being debated, it is hoped its passage will be free of currently attached amendments.

Much progress has been made in combating D.U.I. problems in this state. Now there is the possibility of funding various communities' safety projects through this bill, however with the current amendments, this purpose is being defeated.

As a former chief of police who believed it was indeed time to address the intoxicated driver, it is my feeling that this bill addresses a noteworthy cause, however its original intent is greatly clouded by these present amendments.

Sincerely,

Doug Chase
Chief of Police, Retired
1421 Jackson
Missoula, MT 59802

DC/ss

SENATE JUDICIARY
EXHIBIT NO. 6
DATE 3-17-87
BILL NO. H.B. 277

9-1-1 CENTER

NINE • ONE • ONE CENTER
MISSOULA COUNTY COURTHOUSE
MISSOULA, MONTANA 59802
PHONE 721-5700 Ext. 450

March 10, 1987

Senator Joseph P. Mazurek
Chairman Montana Senate Judiciary Committee

Dear Senator Mazurek:

As Center Supervisor for the Missoula County 9-1-1 Center, and as a member of the Missoula County Traffic Safety Task Force, I have been tracking the progress of H.B. 277.

I support H.B. 277 in its original intent. I do not support the amendment to the bill which would send the reinstatement fees to the State general fund, instead of back to the counties to fund DUI enforcement activities. Statistical evidence shows Missoula County's DUI Task Force activities were effective in the past. Both alcohol-related accidents and alcohol-related injury accidents were decreased 21% in 1986 in our county.

The bill proposes the fees be paid only by the offenders, in other words, a "user's fee". It only makes sense to earmark these same funds for the specific purpose of reducing the number of offenders.

I urge you to support H.B. 277, but to pass it in its original form, without the House's amendment.

Cordially,

Kimberly Brander

KIMBERLY BRANDER
9-1-1 Center Supervisor

SENATE JUDICIARY
EXHIBIT NO. 6
DATE 3-17-87
BILL NO. H.B. 277

4B's restaurants, inc.

March 13, 1987

To: Budget Committee

Dear Committee Members:

Please consider HB227 as it was in its original form. Specifically I would rather see the funds earmarked for D.U.I. Task Force expenditures as opposed to going into the general fund. It seems fair and logical to me that offenders would help foot the cost of the task forces. I believe the task forces have had a positive impact on traffic safety, public awareness and enforcement.

Thank you for your consideration.

Sincerely,

Jeff Hainline
Member-Missoula County D.U.I. Task Force
President, Missoula County Tavern Owners Association

JH:lk

SENATE JUDICIARY
EXHIBIT NO. 6
DATE 3-17-87
BILL NO. H.B 277

Health Incentives
Containing Costs *and* Promoting Health

March 13, 1987

The Honorable Joe Mazurek
Chairman,
Senate Judiciary Committee
Capitol Station
Helena, Montana 59601

Dear Senator Mazurek:

I am writing to urge you and the other Senate Judiciary Committee members to pass H.B. 277 as originally drafted to distribute the proceeds of a DUI license restoration fee back to county DUI task forces.

Designating the revenue from this fee for the general fund defeats the whole purpose of the bill: to give an ongoing source of operational funds for DUI task forces and their important--and effective -- work.

I urge you to remove the amendment sending the revenues to the general fund. Should this not be done, I would urge you to kill the bill altogether. The bill in its current form would be an inappropriate (and insignificant) means of addressing the overall revenue problems facing our State.

Thank you for your consideration.

Sincerely,

MICHAEL W. WOOD
General Partner

MWW/mds

SENATE JUDICIARY
EXHIBIT NO. 6
DATE 3-17-87
BILL NO. H.B. 277

218 E. Front · Suite 209 · Missoula, MT 59802 (406) 721-7716

BRITT FINLEY, R.N.C., M.Ed., C.A.C.
Certified Psychiatric-Mental Health Nurse
412 W. Alder • Missoula, MT 59802-4194
406-721-1774

March 13, 1987

Joe Mazurek, Chairman
Senate Judiciary Committee
State Capitol Building
Helena, MT 59620

Dear Senator Mazurek:

I am writing in support of HB277 in its original form. My experience with Missoula County's DUI (Driving Under the Influence) Task Force has convinced me of the need for and effectiveness of drinking and driving prevention activities at a local level. The funding mechanism, as originally proposed in HB277, places the cost of program support on program users rather than taxpayers. The House Amendment diverting these revenues from program support to the general fund is not consistent with the original intent of the Bill.

I urge the members of the Senate Judiciary Committee to pass HB277 in its original form. Thank you for your consideration of this testimony.

Sincerely,

Britt Finley

Britt Finley, R.N.C., M.Ed., C.A.C.

BF:pab

SENATE JUDICIARY
EXHIBIT NO. 6
DATE 3-17-87
BILL NO. H.B. 277

616 Woodford St.
Missoula, MT 59801
March 12, 1987

The Honorable Joe Mazurek, Chairman
Senate Judiciary Committee
State Capitol Building
Helena, MT 59620

Dear Senator Mazurek,

I have reviewed HB277 in its amended form from the House Appropriations Committee and find that the original intent of the bill has been dramatically altered. Originally, HB277, requiring a reinstatement fee for driver's licenses suspended or revoked for driving a motor vehicle under the influence of alcohol or a narcotic drug, was a creative way to fund community based DUI prevention education without further burdening an already money-strapped state. Further, those of us volunteering our time and energy in working with DUI prevention programs know that our efforts result in communities which are not only safer, but, in the long run, will also expend less money on DUI related problems.

While it is attractive to increase our state's general fund in every way possible during these economically difficult times, I hope you and your esteemed colleagues will recognize the importance of and cost savings potential of DUI prevention education. My fear is that postponing consideration of the appropriation of reinstatement fees until the 1989 legislative session will send a message to communities that the efforts of taskforce volunteers are not worthy of funding. In good faith, I supported this original measure because it provided an additional consequence for DUI offenders, while at the same time providing for funding to continue prevention education and community awareness.

In closing, I would respectfully request that you consider reinstating sufficient original language to match the intent of HB277 as it was first introduced, or failing that, I would request that you kill Hb277 in its amended form. As it now stands, I believe it severely weakens what our community has attempted to do in DUI prevention.

Recognizing the agonizing and thankless nature of the task before you, I do wish you well during the remainder of this session.

Sincerest regards,

Mary Lou Gilman

Mary Lou Gilman
DUI Taskforce Member, Missoula
Past President, Missoula PTA Council, Inc.

SENATE JUDICIARY
EXHIBIT NO. 6
DATE 3-17-87
BILL NO. [illegible]

March 11, 1987

Budget Committee;

I support House Bill 277 as it was originally worded; The $50 drivers license reinstatement fee for anyone who loses thier license for an alcohol related offense would be ear marked for DUI Task Forces. If this bill cannot be passed in it's original form then I would prefere it to be killed.

As the School Nurse for Sentinel High School and as a DUI Task Force Member, I have been involved with several Community Drug and Alcohol Prevention and Treatment Programs in Missoula; I not only see a daily need for these programs but also see a visable change in awareness, behavior and attitudes of the individuals these programs have already touched.

I oppose putting DUI Task Force money into the general fund. I oppose any drug related treatment or prevention ear marked money going into general fund.

Thank You For Listening,

Diana Biehl

Diana Biehl (Missoula Sentinel High School Nurse)

SENATE JUDICIARY
EXHIBIT NO. 6
DATE 3-17-87
BILL NO. H.B. 277

March 12, 1987

RE: HB 277

FROM: Montanans Against Drinking and Driving, Missoula County

We strongly support HB 277 requiring a $50 driver's license reinstatement fee for all people who have had their license suspended because of a DUI conviction.

However, we feel that the bill only makes sense if it is passed as it was origionally written, and that the fee is specifically used for the prevention of further DUI's. The fee should not merely go into the general fund. Federal tax dollars were spent to fund a 3-year DUI Prevention Task Force whose efforts have resulted in a significant reduction of drinking related accidents. However, the general taxpayer shouldn't be required to fund the programs established by the task forces. We strongly agree with a statement in the March 10th Missoulian which says that "...those who choose to drink and drive ought to be the ones who pay the increased cost of protecting law-abiding motorists from drinking drivers."

Respectfully submitted,

Lorena Hillis

Lorena Hillis
Secretary, Missoula County MADD

SENATE JUDICIARY
EXHIBIT NO. 6
DATE 3-17-87
BILL NO. H.B. 277

SENATE JUDICIARY COMMITTEE

House Bill 277 - license reinstatement fee, is the subject of my concern. The intent of this bill was to create funds for DUI/safe driving activities in counties that have approved programs; which woul d benefit all Montanas.

The amendments that have been placed on the bill will not allow the funds to be used properly. FIRST: Placing the revenue generated from a relicensing fee into the general fund, rather than earmarking it for DUI/safe driving activies for the counties that generated the revenue, would make it impractical and difficult to retrieve. SECOND: Using only licenses suspended or revoked for DUI; exempting all other loss of licenses for unsafe driving practices including those using the "per se" DUI clause; is not only a great loss of revenue to the state, but, is tacitly approving of all hazardous drivers, including "per se" drivers. THIRD: Returning funds to counties without a DUI/safe driving task force would not allow the monies to be used to the maximum potential.

I request that you pass H.B. 277 in its original form.

Due to the fact that the amendments would not allow the revenue generated from a license reinstatement fee to be used toward the improvement of DUI/safe driving practices; H.B. 277 with its amendments should be killed.

Thank you.

Sue Ibsen

Sue L. Ibsen
2235 Pattee Canyon Road
Missoula, Mt 59803

SENATE JUDICIARY
EXHIBIT NO. 6
DATE 3-17-87
BILL NO. H.B. 277

Pamela A. Motta
1645 Sunflower
Missoula, MT 59802
March 11, 1987

Senate Judicial Committee
Helena, MT.

Ladies and Gentlemen,

I wish to go on record as being in favor of House Bill #277 in it's original form. The ammendment giving the money generated to the general fund must be removed.

As you know, the task forces around the state have done a wonderful job in reducing the number of incapacitated drivers on our roads and increased the public's awareness of this problem. However the programs need continued funding if the results are to continue. And it just makes sense to let the offenders be the ones to support the task force's work. Its really a small amount of money when you consider the pain and suffering, not to mention the expense, of just one alcohol related death that may be prevented.

I am enclosing a copy of an editorial that was in The Missoulian on March 10th.

If the ammendment is not removed then I would like the bill killed.

Thank you.

Sincerely,

Pamela A. Motta

SENATE JUDICIARY
EXHIBIT NO. 6
DATE 3-17-87
BILL NO. H.B. 277

■ Phil Blake, Publisher
■ Bradley Hurd, Editor
■ Steve Woodruff, Editorial Page Editor

Missoulian editorials

DUI 'user's fee' makes sense

House Bill 277, the measure intended to help local groups fighting drunken driving continue doing their good work was rendered meaningless by House action. Let's hope the Senate puts the bill back on track.

The bill calls for a $50 driver's license reinstatement fee for anyone who loses his license for an alcohol-related traffic offense. As HB 277 was originally worded, the money would be earmarked for DUI task forces — local groups whose work has helped cut the number of alcohol-related accidents in Montana by one-third.

The bill passed the House, but not before it was amended and its intent twisted. Instead of providing money to support better enforcement of drunken driving laws and public education about drinking and driving, the license-reinstatement fees would now disappear into the fiscal black hole of the state general fund.

The amount of money at stake is not great — the potential revenue is estimated to be $302,000 or less. It's enough to replace the expired federal grants that have funded DUI task forces in 26 Montana counties since 1983, however. As a contribution toward the state's general-fund deficit of more than $100 million, HB 277 is insignificant.

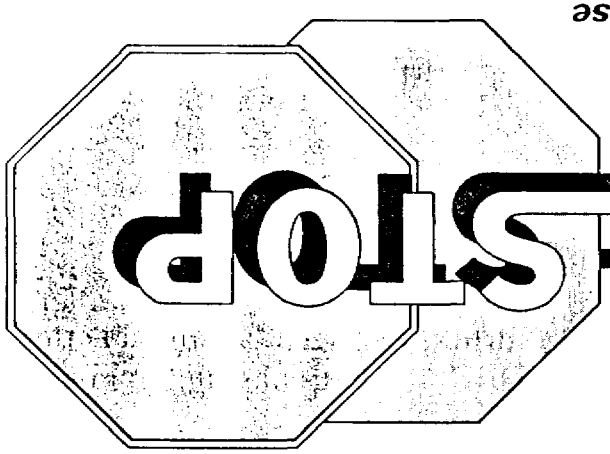
Many legislators are reluctant to earmark revenue for specific purposes. They prefer to funnel money into the general fund and appropriate various sums as they see fit. That's the best way to handle money from general taxes, but it's not appropriate for handling "user's fees," including the license-reinstatement fee proposed in HB 277. The diversion of the money to the general fund is especially objectionable because it would leave the DUI task forces without funding.

The idea behind HB 277 is that those who choose to drink and drive ought to be the ones who pay the increased costs of protecting law-abiding motorists from drunks. As a fund-raiser for DUI enforcement, the license reinstatement fee makes considerable sense.

The Senate's challenge is to restore the bill's intent. The public must then persuade the House to recant.

SENATE JUDICIARY
EXHIBIT NO. 6
DATE 3-17-87
BILL NO. H.B. 277

SENATE JUDICIARY
EXHIBIT NO. 7
DATE March 17, 1987
BILL NO. HB 277



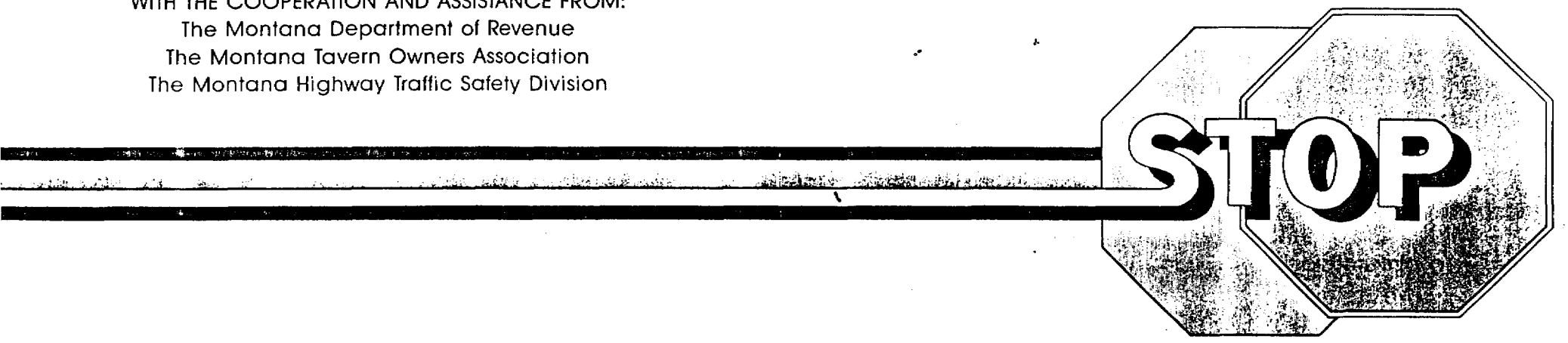
before you
lose your job
lose your license
lose a friend

It's against the law:

SELLING (or giving) alcohol to —
PROVIDING alcohol to —
POSSESSING alcohol by —
PURCHASING alcohol for —
GIVING PERMISSION to drink alcohol to —
SERVING alcohol to —
Anyone under the current legal drinking age.

COMPLIMENTS OF YOUR HELENA POLICE DEPARTMENT.
William J. Ware, Chief of Police

WITH THE COOPERATION AND ASSISTANCE FROM:
The Montana Department of Revenue
The Montana Tavern Owners Association
The Montana Highway Traffic Safety Division



You may be affected

- supermarket store owners, managers, clerks
- grocery store owners, managers, clerks
- convenience store owners, managers, clerks
- tavern owners, managers, bartenders, waiters, waitresses
- restaurant owners, managers, bartenders, waiters, waitresses

or

- anyone who purchases alcohol for (gives alcohol to) anyone under the legal drinking age
- anyone who allows someone under the legal age to serve alcohol as a bartender, waiter, waitress

The Helena Police Department
in cooperation with
The Lewis & Clark County Stop DUI Task Force
has set up a **Special Police Operations Team** (SPOT Team)

TO STOP

the sale, purchase and consumption of
alcohol by those under the legal drinking age.

Helena Police Officers will provide special enforcement action in their efforts to eliminate illegal purchasing, giving or possessing alcohol by under age youth.

The Helena Police Department is committed to reducing illegal activity involving alcohol by those under the legal drinking age,
because . . .

Helena's youth . . . are worth it!

To obtain additional information about training and education contact:
The Helena Police Department, 221 Breckenridge, Helena, MT 59601
(406) 442-9920 Ext. 476

8/1/86

SENATE JUDICIARY
EXHIBIT NO. 8
DATE March 17, 1987
BILL NO. HB 277

Commissioners
Russell J. Ritter, Mayor
Rayleen Beaton
Michael J. DaSilva
Rose Leavitt
Blake J. Wordal

William J. Verwolf
City Manager

GUARDIAN OF THE GULCH

City of Helena

Police/Courthouse
Helena, MT 5960
Phone 406-442-9920

Chief of Polic
William J. Wa

March 12, 1987

Senator Joe Mazurek
Senate Judiciary Committee
State Capitol Building
Helena, MT

Dear Senator Mazurek:

Please accept this letter as support for House Bill 277, as originally submitted by statewide STOP-DUI Task Forces. This bill would authorize counties to establish drinking and driving prevention programs and would provide funding via a driver's license reinstatement fee. Please consider the following as my testimony.

DUI prevention, awareness, and much needed enforcement has been and will be a high priority throughout the City of Helena. In 1984 the Helena Police Department implemented a STOP-DUI Intervention Team which intensely enforced the drunk driving laws. This team was funded by the Montana Highway Traffic Safety Division through our local STOP-DUI Task Force. Unfortunately this funding has stopped as of December 31, 1986 and House Bill 277 could be an alternative to the funding of this most important project. (See attached STOP-DUI Intervention Team two-year statistical report.)

On August 22, 1986 we implemented a Special Police Operations Team (SPOT) at the Helena Police Department. This program was the first of its kind in the state of Montana. The primary purpose of this program was to prevent the availability of liquor to our youth and to prosecute those furnishing liquor to underage persons. It was also the intent of this program to prevent drinking and driving by our young people as this is a major cause of serious accidents. (See attached SPOT statistical report 8/22-12/13/86.) Again, funding for this program was provided by our local STOP-DUI Task Force and funding is no longer being provided. SPOT's success cannot be measured in dollars and cents. I am proud to report that our youth did

not suffer any serious injuries or deaths in traffic accidents and/or suicides during the life of the SPOT Program.

My professional opinion is that both of these programs have had a tremendous impact on traffic accidents in the City of Helena. Statistical information on this is available from my department upon request.

In closing, I would encourage this Committee to look at House Bill 277 and urge you to restore it to it's original form, as submitted by Statewide STOP-DUI Task Forces. Thank you for your consideration in this matter, it is a pleasure to work with you in our common goal of reducing unnecessary injury and deaths caused by people who drink irresponsibly and then drive.

Sincerely,

William J. Ware
Chief of Police
Helena Police Department

WJW/cp

cc: All members of Senate Judiciary Committee
William J. Verwolf - City Manager
M.E. Nelson, Chairman - STOP-DUI Task Force
Al Goke - Highway Traffic Safety Division

SENATE JUDICIARY
EXHIBIT NO. 8
DATE 3-17-87
BILL NO. H.B. 277

SPECIAL POLICE OPERATIONS TEAM MONTHLY REPORT
(SPOT) Implemented August 22, 1986

MONTH OF August 22,86 to December 13,86

TO: William J. Ware, Chief of Police

FROM: Bud Garbis, Captain of Operations
George Olson, Sgt. Training

DATE: December 26,1986

Calls, Contacts, & Stops	86
Juvenile Arrests	46
Adult Arrests	35
Total Arrests	81

Open Container	23
Juvenile Possession	42
UTWC	10
PODD	2
Other	18

Total Charges 95

GENERAL INFORMATION

Total man hours worked	345.25
Total man shifts worked	78
Total days worked	26
Average length of shift	4.43
Average miles traveled per shift	51.39
Total miles traveled	1336*

City vehicle miles 590*

Rental vehicle miles 746*

cc: Al Goke, Highway Traffic Safety
H.E. Nelson, Chairman Stop DUI Task Force
William J. Verwolf, City Manager
Su DeBree, Health Department
SPOT file

APPROVED
12/24/86
CHIEF OF POLICE
HELENA POLICE DEPARTMENT

NOTE: December 13th 1986 was the last day SPOT was worked due to grant monies running out.....

SENATE JUDICIARY
EXHIBIT NO. 8
DATE 3-17-87
BILL NO. H.B. 277

STOP-DUI INTERVENTION TEAM ANNUAL REPORT

YEAR 1986

TO: WILLIAM J. WARE - CHIEF OF POLICE

FROM: BUD CARBIS - CAPTAIN OF OPERATIONS BC

DATE: JANUARY 22,1987

Calls, Contacts and Stops	1598
Warnings Issued	959
Non-traffic Stops	77
Total Citations (including DUIs)	847

DUI ARREST INFORMATION

Intervention Team Arrests	117
Total DUI Arrests by HPD	341
Total DUI Arrests previous year	329
% of DUI Arrests to Contacts	7.33
RADD Calls with Arrests	11

GENERAL INFORMATION

Total Hours Worked	1242.55
Total Number of Shifts*	297
Average Shift Length*	4.19
Total Time Spent - DUI Arrests	195.97
Average Time Spent - DUI Arrests	1.68
Average Miles Per Shift*	37.72
Total Miles Traveled	11202

In addition to the above hours, a Processor worked 423.55 hours for a total of 103 shifts. He/She processed 110 DUI's over a period of 146.20 hours - an average of 1.33 hours per DUI arrest.

*The term SHIFT refers to one man working one night.

cc: Al Goke - Highway Traffic Safety
M.E. Nelson, Chairman - STOP-DUI Task Force
William J. Verwolf - City Manager
STOP-DUI Intervention Team File

APPROVED
CHIEF OF POLICE
HELENA POLICE DEPART.

City of Helena, Montana

SENATE JUDICIARY
EXHIBIT NO. 8

State of Montana

County of Gallatin

Bozeman

SENATE JUDICIARY
EXHIBIT NO. 9
DATE March 17, 1987
BILL NO. HB 277

January 23, 1987

Honorable Committee Members

Re: House Bill 277

Gallatin County wishes to go on record endorsing this bill. This D.U.I. program has been in operation in Gallatin County for two years and has been very successful as a deterrent to keep drinking drivers off of the roads.

Drinking and driving do not mix and it is always the innocent that get hurt by the drinking driver.

This program is still in its infancy and must be continued. This method of funding as the above bill is proposing will certainly be an enhancement and will adequately fund it. To stop this D.U.I. Program now will mean two years of wasted effort on the part of a lot of people and will certainly defeat the public awareness that has been created by all this work. We urge you to pass this bill as presented.

Sincerely,

GALLATIN COUNTY COMMISSION

Wilbur Visser, Chairman

Jane Jelinski, Member

Ramon S. White, Member

WV:lm

STANDING COMMITTEE REPORT

March 17 87
19

MR. PRESIDENT

We, your committee on SENATE JUDICIARY

having had under consideration HOUSE BILL No. ~~SBX~~ 277

Third reading copy (blue)
color

Imposing a driver's license reinstatement fee to fund county DUI programs.
~~X~~ Connelly (Halligan)

Respectfully report as follows: That HOUSE BILL No. 277

1. Title, lines 9 and 10.
Following: "~~APPROPRIATION~~"
Strike: remainder of line 9 through "THE" on line 10
Following: "PROGRAM;"
Insert: "AMENDING SECTION 17-7-502, MCA;"

2. Page 3, lines 1 and 2.
Strike: line 1 in its entirety through "DRUG" on line 2
Following: "~~61-5-206,~~"
Insert: ", 61-5-206,"

3. Page 3, lines 2 and 3.
Following: "or" on line 2
Strike: the remainder of line 2 through "TO" on line 3

4. Page 3, line 11.
Following: "~~treasury~~"
Strike: "THE GENERAL FUND"
Insert: "a drinking and driving prevention account in the special revenue fund category in the state treasury"

5. Page 3, lines 21 and 22.
Following: "TREASURER"
Strike: remainder of line 21 through "APPROPRIATION" on line 22
Insert: "at the end of each quarter"

~~XXXXXX~~ ~~DO PASS~~

~~XXXXXXXXXX~~ ~~DO NOT PASS~~ ~~XXXXXXXXXX~~ AND AS AMENDED

BE CONCURRED IN

SENATOR Mazurek Chairman.

6. Page 4, lines 22 and 23.
Following: "TREASURER"
Strike: remainder of line 22 through "APPROPRIATION" on line 23
Insert: "at the end of each quarter"

7. Page 5, following line 2.
Insert: "NEW SECTION. Section 4. Appropriation. All money deposited in the special revenue account established in [section 2] is statutorily appropriated, as provided in 17-7-502, to the department of justice for distribution as provided in [section 3].

Section 5. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations:

(a) 2-9-202;
(b) 2-17-105;
(c) 2-18-812;
(d) 10-3-203;
(e) 10-3-312;
(f) 10-3-314;
(g) 10-4-301;
(h) 13-37-304;
(i) 15-31-702;
(j) 15-36-112;
(k) 15-70-101;
(l) 15-1-404;
(m) 16-1-410;

(n) 16-1-411;
(o) 17-3-212;
(p) 17-5-404;
(q) 17-5-424;
(r) 17-5-804;
(s) 19-8-504;
(t) 19-9-702;
(u) 19-9-1007;
(v) 19-10-205;
(w) 19-10-305;
(x) 19-10-506;
(y) 19-11-512;
(z) 19-11-513;
(aa) 19-11-606;
(bb) 19-12-301;
(cc) 19-13-604;
(dd) 20-6-406;
(ee) 20-8-111;
(ff) 23-5-612;
(gg) 37-51-501;
(hh) 53-24-206;
(ii) 75-1-1101;
(jj) 75-7-305;
(kk) 80-2-103;
(ll) 80-2-228;
(mm) 90-3-301;
(nn) 90-3-302;
(oo) 90-15-103; and
(pp) Sec. 13, HB 861, L. 1985; and
(qq) [section 4].

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for such payments.""

Renumber: subsequent sections

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8. Page 5, line 9.
Following: "THROUGH"
Strike: "3"
Insert: "4"

9. Page 5, line 11.
Following: "THROUGH"
Strike: "3"
Insert: "4"

10. Statement of intent.
Strike: statement of intent in its entirety

11. Insert: "NEW SECTION." preceding "Section" in the following locations:
Page 1, line 14.
Page 2, line 22.
Page 3, line 12.
Page 5, lines 8 and 12.